

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 8506
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6 CHAPTER 8506. UPPER COLORADO RIVER AUTHORITY

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Revised Law

9 Sec. 8506.001. DEFINITIONS. In this chapter:

10 (1) "Authority" means the Upper Colorado River
11 Authority.

12 (2) "Board" means the board of directors of the
13 authority.

14 (3) "Director" means a member of the board. (Acts 44th
15 Leg., R.S., G.L., Ch. 126, Secs. 1 (part), 3(a) (part); New.)

16 Source Law

17 Sec. 1. . . . [District] to be known as "Upper
18 Colorado River Authority" (hereinafter called the
19 District) and

20 Sec. 3. (a) . . . a Board of . . . directors
21 (herein called the Board),

22 Revisor's Note

23 (1) Although Section 1, Chapter 126, General
24 Laws, Acts of the 44th Legislature, Regular Session,
25 1935, refers to the authority as the "District,"
26 throughout this chapter the revised law uses the term
27 "authority" rather than "district" to more closely
28 conform to the name of the authority.

29 (2) The definition of "director" is added to the
30 revised law for drafting convenience and to eliminate
31 frequent, unnecessary repetition of the substance of
32 the definition.

33 Revised Law

34 Sec. 8506.002. CREATION AND NATURE OF AUTHORITY. (a) The
35 authority is created as a conservation and reclamation district and

1 a state agency.

2 (b) The creation of the authority is essential to the
3 accomplishment of the purposes of Section 59(a), Article XVI, Texas
4 Constitution. (Acts 44th Leg., R.S., G.L., Ch. 126, Secs. 1 (part),
5 18 (part).)

6 Source Law

7 Sec. 1. There is hereby created within the State
8 of Texas, in addition to the Districts into which the
9 State has heretofore been divided, a Conservation and
10 Reclamation District [to be known as "Upper Colorado
11 River Authority"] Such District shall be and
12 is hereby declared to be a governmental agency and body
13 politic and corporate, . . . and the creation of such
14 District is hereby determined to be essential to the
15 accomplishment of the purposes of Section 59-a of
16 Article 16 of the Constitution of the State of Texas,
17

18 Sec. 18. . . . The Upper Colorado River
19 Authority, a State agency,

20 Revisor's Note

21 (1) Section 1, Chapter 126, General Laws, Acts
22 of the 44th Legislature, Regular Session, 1935, states
23 that the authority is created "within the State of
24 Texas, in addition to the Districts into which the
25 State has heretofore been divided." The revised law
26 omits the quoted language because the absence of the
27 language does not imply that the legislature could
28 create a district outside this state or that the
29 district is not in addition to other districts created
30 in this state.

31 (2) Section 1, Chapter 126, General Laws, Acts
32 of the 44th Legislature, Regular Session, 1935, refers
33 to the authority as "a Conservation and Reclamation
34 District" and as "a governmental agency and body
35 politic and corporate." The revised law omits the
36 references to "governmental agency" and "body politic
37 and corporate" because they duplicate a portion of
38 Section 59(b), Article XVI, Texas Constitution, which
39 provides that a conservation and reclamation district

1 is a governmental agency and a body politic and
2 corporate.

3 (3) Section 1, Chapter 126, General Laws, Acts
4 of the 44th Legislature, Regular Session, 1935,
5 provides that the creation of the authority is
6 essential to the accomplishment of "the purposes of
7 Section 59-a of Article 16 of the Constitution of the
8 State of Texas." While Section 59 of Article XVI
9 contains a Subsection (a), that article does not
10 contain a Section 59-a. The revised law substitutes a
11 reference to "the purposes of Section 59(a)" for the
12 reference to "the purposes of Section 59-a" because it
13 is clear from the context that "Section 59-a" is a
14 typographical error and that the legislature intended
15 to refer to Section 59(a), Article XVI, Texas
16 Constitution, which provides for the purposes of
17 conservation and reclamation districts created
18 pursuant to that section.

19 (4) Section 1, Chapter 126, General Laws, Acts
20 of the 44th Legislature, Regular Session, 1935,
21 includes a list of the purposes of the authority under
22 Section 59-a (revised as "Section 59(a)" for the
23 reason stated in Revisor's Note (3)), Article XVI,
24 Texas Constitution. The revised law omits the list of
25 purposes because it duplicates, in substance, a
26 portion of Section 59(a), Article XVI, Texas
27 Constitution. Although Section 1 of Chapter 126
28 refers to "the waters of the Upper Colorado River and
29 its tributaries" and Section 59(a) of Article XVI
30 refers to "the waters of [the state's] rivers and
31 streams," the quoted language of Section 1 is
32 substantively duplicative of the quoted language of
33 Section 59(a) because the Colorado River is one of the
34 state's rivers and streams. The omitted law reads:

1 Sec. 1. . . . [the creation of such
2 District is hereby determined to be
3 essential to the accomplishment of the
4 purposes of Section 59-a of Article 16 of
5 the Constitution of the State of Texas,]
6 including (to the extent hereinafter
7 authorized) the control, storing,
8 preservation and distribution of the waters
9 of the Upper Colorado River and its
10 tributaries for irrigation, power and other
11 useful purposes, the reclamation and
12 irrigation of arid, semi-arid and other
13 lands needing irrigation, and the
14 conservation and development of the
15 forests, water and hydro-electric power of
16 the State of Texas. . . .

17 Revised Law

18 Sec. 8506.003. TERRITORY. Unless modified under Subchapter
19 J, Chapter 49, Water Code, or other law, the authority's territory
20 consists of that part of this state included in the boundaries of
21 Coke and Tom Green Counties. (Acts 44th Leg., R.S., G.L., Ch. 126,
22 Sec. 1 (part); New.)

23 Source Law

24 Sec. 1. [There is hereby created within the
25 State of Texas . . . a Conservation and Reclamation
26 District to be known as "Upper Colorado River
27 Authority"] . . . consisting of that part of the State
28 of Texas which is included within the boundaries of the
29 Counties of Coke and Tom Green. . . .

30 Revisor's Note

31 The revision of the law governing the authority
32 revises the statutory language describing the
33 territory of the authority. Because the authority's
34 boundaries are subject to change, that description may
35 not be accurate on the effective date of the revision
36 or at the time of a later reading. For the reader's
37 convenience, the revised law adds references to the
38 statutory authority to change the authority's
39 territory under Subchapter J, Chapter 49, Water Code,
40 applicable to the authority under Sections 49.001 and
41 49.002 of that chapter, and to the general authority of
42 the legislature to enact a law to change the
43 authority's territory.

1 Revised Law

2 Sec. 8506.004. LIBERAL CONSTRUCTION OF CHAPTER. This
3 chapter shall be liberally construed to effect its purposes. (Acts
4 44th Leg., R.S., G.L., Ch. 126, Sec. 20.)

5 Source Law

6 Sec. 20. This Act and all of the terms and
7 provisions hereof shall be liberally construed to
8 effectuate the purposes set forth herein.

9 Revisor's Note
10 (End of Subchapter)

11 Section 19, Chapter 126, General Laws, Acts of
12 the 44th Legislature, Regular Session, 1935, provides
13 that the act, without reference to other statutes, is
14 full authority for the authorization and issuance of
15 bonds and that no other law with regard to the
16 authorization or issuance of obligations or the
17 deposit of the proceeds of obligations, or in any way
18 impeding or restricting the carrying out of the acts
19 authorized by the act to be done, applies to any
20 proceedings taken under the act or acts done pursuant
21 to the act.

22 The revised law omits the statement that the act,
23 without reference to other statutes, is full authority
24 for the authorization and issuance of bonds because it
25 is unnecessary. The operative provisions of the act
26 are fully effective on their own terms.

27 The revised law omits as unnecessary and
28 potentially misleading the statement that no other law
29 with regard to the authorization or issuance of
30 obligations or the deposit of the proceeds of
31 obligations, or in any way impeding or restricting the
32 carrying out of the acts authorized by the act to be
33 done, applies to any proceedings taken under the act or
34 acts done pursuant to the act. An accepted general
35 principle of statutory construction requires a statute

1 to be given cumulative effect with other statutes
2 unless it provides otherwise or unless the statutes
3 are in conflict. To the extent the statement means
4 that the act prevails over other law in existence at
5 the time the act became effective and with which the
6 act conflicts, the statement merely restates general
7 rules of statutory construction. To the extent the
8 statement means the act prevails over future
9 enactments of the legislature that may conflict with
10 the act, the statement is misleading in that one
11 session of the legislature may not bind a future
12 session of the legislature. Conflicts between the
13 revised law (which is a local law) and other laws are
14 governed by Section 311.026, Government Code (Code
15 Construction Act). That section provides that if
16 there is a conflict between a general provision of law
17 and a special or local provision, the special or local
18 provision prevails unless the general provision is the
19 later enactment and the manifest intent is that the
20 general provision prevail. The omitted law reads:

21 Sec. 19. This Act without reference
22 to other Statutes of the State of Texas,
23 shall constitute full authority for the
24 authorization and issuance of bonds
25 hereunder and no other Act or law with
26 regard to the authorization or issuance of
27 obligations or the deposit of the proceeds
28 thereof, or in any way impeding or
29 restricting the carrying out of the acts
30 herein authorized to be done shall be
31 construed as applying to any proceedings
32 taken hereunder or acts done pursuant
33 hereto.

34 SUBCHAPTER B. BOARD OF DIRECTORS; ADMINISTRATIVE PROVISIONS

35 Revised Law

36 Sec. 8506.051. MEMBERSHIP OF BOARD. (a) The board consists
37 of nine directors appointed by the governor with the advice and
38 consent of the senate.

39 (b) Each director must be a resident of and a freehold
40 property taxpayer in this state.

1 (c) Three directors must be residents of Tom Green County,
2 three directors must be residents of Coke County, and three
3 directors must be residents of counties contiguous to the authority
4 or a county any part of which is within 25 miles of the authority.
5 (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 3(a) (part).)

6 Source Law

7 (a) . . . Board of nine (9) directors . . . all
8 of whom shall be residents of and freehold property
9 taxpayers in the State of Texas; it is further provided
10 that three (3) of said directors shall be resident
11 citizens of Tom Green County, three (3) of said
12 directors shall be resident citizens of Coke County,
13 and the remaining three (3) directors shall be
14 resident citizens of counties contiguous to the
15 District, or in any County any part of which may be
16 within twenty-five (25) miles of said District. All of
17 the directors shall be appointed by the Governor of the
18 State of Texas and confirmed by the Senate of
19 Texas. . . .

20 Revisor's Note

21 (1) Section 3(a), Chapter 126, General Laws,
22 Acts of the 44th Legislature, Regular Session, 1935,
23 requires directors to be "resident citizens" of
24 certain counties. The revised law substitutes
25 "resident" for "resident citizen" because, in the
26 context of this section, "citizen" and "resident" are
27 synonymous and "resident" is more commonly used.

28 (2) Section 3(a), Chapter 126, General Laws,
29 Acts of the 44th Legislature, Regular Session, 1935,
30 provides that the directors appointed by the governor
31 must be "confirmed by the Senate of Texas." The
32 revised law substitutes the requirement that the
33 directors be appointed "with the advice and consent of
34 the senate" for the requirement that the directors be
35 "confirmed by the Senate of Texas" because the phrases
36 are synonymous and the former is more commonly used.

37 Revised Law

38 Sec. 8506.052. TERMS. Directors are appointed for
39 staggered terms of six years with three directors' terms expiring
40 on February 1 of each odd-numbered year. (Acts 44th Leg., R.S.,

1 G.L., Ch. 126, Sec. 3(a) (part).)

2 Source Law

3 (a) . . . Directors are appointed for staggered
4 terms of six (6) years with three directors' terms
5 expiring on February 1 of each odd-numbered
6 year. . . .

7 Revisor's Note

8 (1) Section 3(a), Chapter 126, General Laws,
9 Acts of the 44th Legislature, Regular Session, 1935,
10 requires the governor to appoint another director when
11 the term of a director expires. The revised law omits
12 the provision because it duplicates, in substance,
13 another provision of that subsection, revised in this
14 chapter as Section 8506.051, which provides that the
15 directors are appointed by the governor. The omitted
16 law reads:

17 (a) . . . At the expiration of the
18 term of any director, another director
19 shall be appointed by the Governor. . . .

20 (2) Section 3(a), Chapter 126, General Laws,
21 Acts of the 44th Legislature, Regular Session, 1935,
22 requires the directors of the authority to continue to
23 hold their offices until their successors are
24 appointed and have qualified, unless they are sooner
25 removed as provided by that act. The revised law omits
26 the provision requiring directors to continue to hold
27 office until their successors are appointed and have
28 qualified because Section 17, Article XVI, Texas
29 Constitution, requires each officer in this state to
30 continue to perform the officer's duties until a
31 successor has qualified. The revised law omits the
32 reference to removal because by implication a person
33 who has been removed from an office may not continue
34 serving in that office. The omitted law reads:

35 (a) . . . Each director shall hold
36 office until the expiration of the term for
37 which he was appointed and thereafter until
38 his successor shall have been appointed and

1 qualified, unless sooner removed as in this
2 Act provided. . . .

3 Revised Law

4 Sec. 8506.053. REMOVAL. A director may be removed by the
5 governor for inefficiency, neglect of duty, or misconduct in
6 office, after at least 10 days' written notice of the charge against
7 the director and an opportunity to be heard in person or by counsel
8 at a public hearing. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec.
9 3(a) (part).)

10 Source Law

11 (a) . . . Any director may be removed by the
12 Governor for inefficiency, neglect of duty or
13 misconduct in office, after at least ten (10) days
14 written notice of the charges against him and an
15 opportunity to be heard in person or by counsel at
16 public hearing. . . .

17 Revised Law

18 Sec. 8506.054. VACANCY. A vacancy on the board shall be
19 filled by the governor for the unexpired term. (Acts 44th Leg.,
20 R.S., G.L., Ch. 126, Sec. 3(a) (part).)

21 Source Law

22 (a) . . . A vacancy resulting from the death,
23 resignation or removal of any director shall be filled
24 by the Governor for the unexpired term of such
25 director. . . .

26 Revisor's Note

27 Section 3(a), Chapter 126, General Laws, Acts of
28 the 44th Legislature, Regular Session, 1935, refers to
29 a vacancy "resulting from the death, resignation or
30 removal of any director." The revised law omits the
31 quoted language because it describes every manner in
32 which a vacancy may occur without limiting in any way
33 the governor's duty to fill a vacancy.

34 Revised Law

35 Sec. 8506.055. VOTING REQUIREMENT. (a) Except as provided
36 by this chapter or the bylaws, action may be taken by the
37 affirmative vote of a majority of the directors present at a
38 meeting.

39 (b) The following are valid only if authorized or ratified

1 by the affirmative vote of at least five directors:

2 (1) a contract that involves an amount greater than
3 \$10,000 or has a duration of more than one year;

4 (2) a bond, note, or other evidence of indebtedness;
5 or

6 (3) an amendment of the bylaws. (Acts 44th Leg., R.S.,
7 G.L., Ch. 126, Sec. 3(b) (part).)

8 Source Law

9 (b) . . . [Five (5) directors shall constitute a
10 quorum at any meeting, and,] except as otherwise
11 provided in this Act, or in the by-laws, all actions
12 may be taken by the affirmative vote of a majority of
13 the directors present at any such meeting, except that
14 no contract which involves an amount greater than Ten
15 Thousand (\$10,000.00) Dollars or which is to run for a
16 longer period than a year, and no bonds, notes or other
17 evidence of indebtedness and no amendment of the
18 by-laws shall be valid unless authorized or ratified
19 by the affirmative vote of at least five directors.

20 Revisor's Note

21 (1) Section 3(b), Chapter 126, General Laws,
22 Acts of the 44th Legislature, Regular Session, 1935,
23 provides that five directors, which is a majority of
24 the full membership of the board, constitute a quorum.
25 The revised law omits that provision because it
26 duplicates, in substance, Section 311.013, Government
27 Code (Code Construction Act), which provides that a
28 quorum of a public body is a majority of the number of
29 members fixed by statute. The omitted law reads:

30 (b) . . . Five (5) directors shall
31 constitute a quorum at any meeting, and,
32

33 (2) Section 3(b), Chapter 126, General Laws,
34 Acts of the 44th Legislature, Regular Session, 1935,
35 provides that, except as provided by the act or the
36 bylaws, action may be taken by the affirmative vote of
37 a majority of the directors present at any "such"
38 meeting, meaning a meeting at which a quorum is
39 present. The revised law omits the quoted language as
40 unnecessary because, under common law, the members of

1 a body present at a meeting may act for the body only if
2 a quorum is present.

3 Revised Law

4 Sec. 8506.056. OFFICERS AND EMPLOYEES. (a) The board shall
5 select a secretary, a presiding officer, and a treasurer. The
6 treasurer may also hold the office of secretary.

7 (b) The secretary shall keep accurate and complete records
8 of all proceedings of the board.

9 (c) Until the board selects a secretary, or if the secretary
10 is absent or unable to act, the board shall select a secretary pro
11 tem.

12 (d) The presiding officer is the chief executive officer of
13 the authority.

14 (e) The secretary, secretary pro tem, presiding officer,
15 and treasurer have the powers and duties, hold office for the term,
16 and are subject to removal in the manner provided by the bylaws.

17 (f) The board shall set the compensation of the secretary,
18 secretary pro tem, presiding officer, and treasurer.

19 (g) The board may appoint other officers, agents, and
20 employees, set their compensation and term of office, prescribe
21 their duties and the method by which they may be removed, and
22 delegate to them any of its powers and duties as it considers
23 proper. (Acts 44th Leg., R.S., G.L., Ch. 126, Secs. 2 (part), 4.)

24 Source Law

25 Sec. 2. . . . Without limitation of the
26 generality of the foregoing the District shall have
27 and is hereby authorized to exercise the following
28 powers, rights, privileges and functions:

29 . . .
30 (n) to appoint officers, agents and employees,
31 to prescribe their duties and to fix their
32 compensation;
33 . . .

34 Sec. 4. The Board shall select a Secretary who
35 shall keep true and complete records of all
36 proceedings of the Board. Until the appointment of a
37 Secretary, or in the event of his absence or inability
38 to act, a Secretary pro tem shall be selected by the
39 Board. The Board shall also select a Chairman, who
40 shall be the chief executive officer of the District,
41 and a Treasurer, who may also hold the office of
42 Secretary. All such officers shall have such powers

1 and duties, shall hold office for such term and be
2 subject to removal in such manner as may be provided in
3 the by-laws. The Board shall fix the compensation of
4 such officers. The Board may appoint such officers,
5 agents and employees, fix their compensation and term
6 of office and the method by which they may be removed,
7 and delegate to them such of its power and duties as it
8 may deem proper.

9 Revisor's Note

10 (1) Section 2, Chapter 126, General Laws, Acts
11 of the 44th Legislature, Regular Session, 1935, states
12 that, "[w]ithout limitation of the generality of the
13 foregoing[,]" the authority has certain powers.
14 Throughout this chapter, the revised law omits the
15 quoted or similar language because it is an accepted
16 general principle of statutory construction that a
17 grant of a power does not act as a limitation. The
18 general principle applies to this revision.

19 (2) Section 2, Chapter 126, General Laws, Acts
20 of the 44th Legislature, Regular Session, 1935,
21 provides that the authority "shall have and is hereby
22 authorized to exercise" certain powers, rights,
23 privileges, and functions. Throughout this chapter,
24 the revised law substitutes "has" or "may" for the
25 quoted language because, in context, the language is
26 synonymous, and "has" and "may" are more commonly
27 used.

28 (3) Section 4, Chapter 126, General Laws, Acts
29 of the 44th Legislature, Regular Session, 1935, refers
30 to the "Chairman" of the authority. Throughout this
31 chapter, the revised law substitutes "presiding
32 officer" for "Chairman" because, in context, the terms
33 are synonymous and the former is more commonly used and
34 is gender neutral.

35 Revised Law

36 Sec. 8506.057. SURETY BONDS. (a) The presiding officer,
37 the treasurer, and any other officer, agent, or employee of the
38 authority who is charged with the collection, custody, or payment

1 of authority money shall give bond conditioned on:

2 (1) the faithful performance of the person's duties;
3 and

4 (2) an accounting for all money and property of the
5 authority coming into the person's possession.

6 (b) The bond must be in a form and amount and with a surety
7 approved by the board, and the surety on the bond must be a surety
8 company authorized to do business in this state.

9 (c) The authority shall pay the premium on the bond and
10 charge the premium as an operating expense.

11 (d) The bond must be payable to the board for the use and
12 benefit of the authority. (Acts 44th Leg., R.S., G.L., Ch. 126,
13 Sec. 5(part).)

14 Source Law

15 Sec. 5. . . . The Chairman, the Treasurer and
16 all other officers, agents and employees of the
17 District who shall be charged with the collection,
18 custody or payment of any funds of the District shall
19 give bond conditioned on the faithful performance of
20 their duties and an accounting for all funds and
21 property of the District coming into their respective
22 hands, each of which bonds shall be in form and amount
23 and with a surety (which shall be a surety company
24 authorized to do business in the State of Texas)
25 approved by the Board, and the premiums on such bonds
26 shall be paid by the District and charged as an
27 operating expense. Such bonds shall be payable to the
28 Board of Directors and their successors in office for
29 the use and benefit of the District.

30 Revisor's Note

31 (1) Section 5, Chapter 126, General Laws, Acts
32 of the 44th Legislature, Regular Session, 1935, refers
33 to the authority's "funds." The revised law
34 substitutes "money" for "funds" because, in the
35 context of authority funds, the meaning is the same and
36 "money" is the more commonly used term.

37 (2) Section 5, Chapter 126, General Laws, Acts
38 of the 44th Legislature, Regular Session, 1935, refers
39 to money and property of the authority in the "hands"
40 of certain persons. The revised law substitutes
41 "possession" for "hands" because the terms are

1 synonymous in context and "possession" is more
2 consistent with modern usage.

3 (3) Section 5, Chapter 126, General Laws, Acts
4 of the 44th Legislature, Regular Session, 1935,
5 provides that surety bonds are payable to the board of
6 directors "and their successors in office." The
7 revised law omits the quoted language because a
8 reference to the board includes the directors
9 currently serving and their successors.

10 Revised Law

11 Sec. 8506.058. AUTHORITY'S OFFICE AND DOMICILE. (a) The
12 board by majority vote shall determine the location of the
13 authority's general office.

14 (b) The county in which the authority's general office is
15 located is the authority's domicile.

16 (c) The presiding officer is in charge of the authority's
17 general office. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 6
18 (part).)

19 Source Law

20 Sec. 6. The general office of the District shall
21 be located by vote of a majority of Board of Directors,
22 the county in which said general offices are located to
23 constitute the domicile of the District and such
24 general offices shall be in charge of the
25 Chairman. . . .

26 Revisor's Note

27 Section 6, Chapter 126, General Laws, Acts of the
28 44th Legislature, Regular Session, 1935, refers
29 variously to the authority's "general office" and
30 "general offices." The revised law substitutes
31 "general office" for "general offices" for consistency
32 of terminology.

33 Revised Law

34 Sec. 8506.059. CONFLICT OF INTEREST; CRIMINAL PENALTY. (a)
35 A director, officer, agent, or employee of the authority may not be
36 directly or indirectly interested in a contract for the purchase of

1 any property or construction of any work by or for the authority.

2 (b) A person commits an offense if the person violates this
3 section. An offense under this subsection is a felony punishable
4 by:

5 (1) a fine not to exceed \$10,000;

6 (2) confinement in the institutional division of the
7 Texas Department of Criminal Justice for not less than one year or
8 more than 10 years; or

9 (3) both the fine and confinement. (Acts 44th Leg.,
10 R.S., G.L., Ch. 126, Sec. 7.)

11 Source Law

12 Sec. 7. No director, officers, agent or
13 employee of the District shall be directly or
14 indirectly interested in any contract for the purchase
15 of any property or construction of any work by or for
16 the District, and if any such person shall be or become
17 so interested in any such contract, he shall be guilty
18 of a felony and on conviction thereof shall be subject
19 to a fine in an amount not exceeding Ten Thousand
20 Dollars (\$10,000), or to confinement in the State
21 penitentiary for not less than one year nor more than
22 ten (10) years, or both.

23 Revisor's Note

24 Section 7, Chapter 126, General Laws, Acts of the
25 44th Legislature, Regular Session, 1935, states that a
26 person who violates that section is subject to
27 "confinement in the State penitentiary." The revised
28 law substitutes "confinement in the institutional
29 division of the Texas Department of Criminal Justice"
30 to conform to the style of the Penal Code and to
31 reflect the current name of the state agency where
32 felons are confined.

33 Revisor's Note
34 (End of Subchapter)

35 (1) Section 3(a), Chapter 126, General Laws,
36 Acts of the 44th Legislature, Regular Session, 1935,
37 provides that the powers, rights, privileges, and
38 functions of the authority are exercised by a board of
39 directors. The revised law omits that provision

1 because it duplicates, in substance, parts of Sections
2 49.051 and 49.057, Water Code. Throughout this
3 chapter, the revised law omits law that is superseded
4 by Chapter 49, Water Code, or that duplicates law
5 contained in that chapter. Except as otherwise
6 provided by that chapter, Chapter 49, Water Code,
7 applies to the authority under Sections 49.001 and
8 49.002, Water Code. The omitted law reads:

9 Sec. 3. (a) The powers, rights,
10 privileges and functions of the District
11 shall be exercised by [a Board of . . .
12 directors]

13 (2) Section 3(a), Chapter 126, General Laws,
14 Acts of the 44th Legislature, Regular Session, 1935,
15 requires each director to take the "official oath of
16 office prescribed by General Statute." At the time
17 Chapter 126 was enacted, Article 16, Revised Statutes,
18 required each officer in this state to "take and
19 subscribe the oath prescribed by Article 16, Section
20 1, of the Constitution of this State." In 1993,
21 Article 16, Revised Statutes, was codified in part as
22 Section 604.001, Government Code. The portion of
23 Article 16 requiring an officer to take the oath of
24 office was omitted from the revised law because under
25 Section 1, Article XVI, Texas Constitution, all
26 officers are required to take the oath (or
27 affirmation) before assuming office. No other
28 applicable general law requires a director of the
29 authority to take an oath of office. Accordingly, the
30 revised law omits the provision. The omitted law
31 reads:

32 (a) . . . Each director shall qualify
33 by taking the official oath of office
34 prescribed by General Statute.

35 (3) Section 3(b), Chapter 126, General Laws,
36 Acts of the 44th Legislature, Regular Session, 1935,

1 provides that until the adoption of bylaws setting the
2 time and place of regular meetings and the manner in
3 which special meetings may be called, meetings of the
4 board shall be held at the times and places designated
5 in writing by five directors. The board has adopted
6 bylaws addressing the specified matters. Accordingly,
7 the revised law omits the provision as executed. The
8 omitted law reads:

9 (b) Until the adoption of by-laws
10 fixing the time and place of regular
11 meetings, and the manner in which special
12 meetings may be called, meetings of the
13 Board shall be held at such times and places
14 as five (5) of the directors may designate
15 in writing. . . .

16 (4) Section 8, Article IV, Chapter 484, Acts of
17 the 68th Legislature, Regular Session, 1983, refers to
18 transition procedures regarding the terms of certain
19 directors. The revised law omits that provision as
20 executed. The omitted law reads:

21 Sec. 8. (a) A person appointed to
22 the board of directors of the Upper Colorado
23 River Authority who held office immediately
24 preceding the effective date of this Act and
25 who was eligible to be a member of the board
26 under the law as it existed at the time of
27 his appointment is entitled to serve the
28 remainder of the term for which he was
29 appointed.

30 (b) The term of office succeeding a
31 board member's term that expires on January
32 1, 1985, expires on February 1, 1991. The
33 term of office succeeding a board member's
34 term that expires on January 1, 1987,
35 expires on February 1, 1993. The term of
36 office succeeding a board member's term that
37 expires on January 1, 1989, expires on
38 February 1, 1995.

39 SUBCHAPTER C. POWERS AND DUTIES

40 Revised Law

41 Sec. 8506.101. GENERAL POWERS. (a) The authority has:

42 (1) the powers of government and the authority to
43 exercise the rights, privileges, and functions specified by this
44 chapter; and

45 (2) all powers, rights, privileges, and functions

1 conferred by general law on any district created pursuant to
2 Section 59(a), Article XVI, Texas Constitution, except as expressly
3 limited by this chapter.

4 (b) The authority may perform any act necessary or
5 convenient to the exercise of the powers, rights, privileges, or
6 functions conferred on the authority by this chapter or any other
7 law. (Acts 44th Leg., R.S., G.L., Ch. 126, Secs. 1 (part), 2
8 (part).)

9 Source Law

10 Sec. 1. . . . [Such district] . . . with the
11 power of government and with the authority to exercise
12 the rights, privileges and functions hereinafter
13 specified,

14 Sec. 2. Except as expressly limited by this Act,
15 the District shall have and is hereby authorized to
16 exercise all powers, rights, privileges and functions
17 conferred by General Law upon any District or
18 Districts created pursuant to Section 59-a, of Article
19 16, of the Constitution of the State of Texas. Without
20 limitation of the generality of the foregoing the
21 District shall have and is hereby authorized to
22 exercise the following powers, rights, privileges and
23 functions:

24 . . .
25 (q) to do any and all other acts or things
26 necessary or convenient to the exercise of the powers,
27 rights, privileges or functions conferred upon it by
28 this Act or any other Act or law;
29 . . .

30 Revisor's Note

31 Section 2, Chapter 126, General Laws, Acts of the
32 44th Legislature, Regular Session, 1935, provides that
33 the authority has the powers, rights, privileges, and
34 functions conferred by general law on any district
35 created pursuant to "Section 59-a, of Article 16, of
36 the Constitution of the State of Texas." The revised
37 law substitutes a reference to "Section 59(a)" for the
38 reference to "Section 59-a" for the reason stated in
39 Revisor's Note (3) to Section 8506.002.

40 Revised Law

41 Sec. 8506.102. POWERS RELATED TO WATER OF COLORADO RIVER
42 AND ITS TRIBUTARIES. Inside the boundaries of the authority, the
43 authority may:

1 (1) control, store, and preserve the water of the
2 Colorado River and its tributaries for any useful purpose; and

3 (2) use, distribute, and sell the water described by
4 Subdivision (1) for any useful purpose. (Acts 44th Leg., R.S.,
5 G.L., Ch. 126, Sec. 2 (part).)

6 Source Law

7 Sec. 2. . . . Without limitation of the
8 generality of the foregoing the District shall have
9 and is hereby authorized to exercise the following
10 powers, rights, privileges and functions:

11 (a) to control, store and preserve, within the
12 boundaries of the District, the waters of the Colorado
13 River and its tributaries for any useful purpose or
14 purposes, and to use, distribute and sell the same,
15 within the boundaries of the District for any such
16 purpose or purposes;
17 . . .

18 Revised Law

19 Sec. 8506.103. SALE AND DISTRIBUTION OF WATER OUTSIDE
20 BOUNDARIES OF AUTHORITY. The authority may:

21 (1) sell and distribute water outside the boundaries
22 of the authority to any municipality for domestic, municipal, or
23 irrigation purposes or to any person for municipal purposes or
24 irrigation; and

25 (2) construct a flume, irrigation ditch, pipeline, or
26 storage reservoir outside the authority for a purpose described by
27 Subdivision (1). (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2
28 (part).)

29 Source Law

30 Sec. 2. . . . Without limitation of the
31 generality of the foregoing the District shall have
32 and is hereby authorized to exercise the following
33 powers, rights, privileges and functions:

34 . . .
35 (b) to sell and distribute water without the
36 boundaries of the District to any municipality for
37 domestic, municipal and irrigation purposes, and to
38 any person, firm or corporation for municipal purposes
39 or irrigation, together with the right to construct
40 flumes, irrigation ditches, pipe lines and storage
41 reservoirs without the District for such purposes;
42 . . .

43 Revisor's Note

44 Section 2(b), Chapter 126, General Laws, Acts of
45 the 44th Legislature, Regular Session, 1935, refers to

1 the sale and distribution of water to a person, "firm
2 or corporation." The revised law omits the quoted
3 language because under Section 311.005(2), Government
4 Code (Code Construction Act), "person" is defined to
5 include any legal entity.

6 Revised Law

7 Sec. 8506.104. DEVELOPMENT, GENERATION, DISTRIBUTION, AND
8 SALE OF WATER POWER AND ELECTRIC ENERGY. (a) The authority may:

9 (1) develop and generate water power and electric
10 energy inside the boundaries of the authority; and

11 (2) distribute and sell water power and electric
12 energy inside or outside the boundaries of the authority.

13 (b) A use authorized by this section is subordinate and
14 inferior to an irrigation requirement. (Acts 44th Leg., R.S.,
15 G.L., Ch. 126, Sec. 2 (part).)

16 Source Law

17 Sec. 2. . . . Without limitation of the
18 generality of the foregoing the District shall have
19 and is hereby authorized to exercise the following
20 powers, rights, privileges and functions:

21 . . .
22 (c) to develop and generate water power and
23 electric energy within the boundaries of the District
24 and to distribute and sell water power and electric
25 energy, within or without the boundaries of the
26 District; but such use shall be subordinate and
27 inferior to all requirements for irrigation;
28 . . .

29 Revised Law

30 Sec. 8506.105. PREVENTION OF DAMAGE TO PERSONS OR PROPERTY.
31 The authority may prevent or aid in the prevention of damage to
32 persons or property from the water of the Colorado River and its
33 tributaries. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2 (part).)

34 Source Law

35 Sec. 2. . . . Without limitation of the
36 generality of the foregoing the District shall have
37 and is hereby authorized to exercise the following
38 powers, rights, privileges and functions:

39 . . .
40 (d) to prevent or aid in the prevention of
41 damage to person or property from the waters of the
42 Colorado River and its tributaries;
43 . . .

1 Revised Law

2 Sec. 8506.106. FORESTATION AND REFORESTATION; PREVENTION
3 OF SOIL EROSION AND FLOODS. In the watershed of the Colorado River
4 and its tributaries, the authority may:

5 (1) forest, reforest, or aid in foresting or
6 reforesting; and

7 (2) prevent or aid in the prevention of soil erosion
8 and floods. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2 (part).)

9 Source Law

10 Sec. 2. . . . Without limitation of the
11 generality of the foregoing the District shall have
12 and is hereby authorized to exercise the following
13 powers, rights, privileges and functions:

14 . . .
15 (e) to forest and reforest and to aid in the
16 foresting and reforesting of the watershed area of the
17 Colorado River and its tributaries and to prevent and
18 to aid in the prevention of soil erosion and floods
19 within said watershed area;

20 . . .

21 Revisor's Note

22 Section 2(e), Chapter 126, General Laws, Acts of
23 the 44th Legislature, Regular Session, 1935, refers to
24 "the watershed area of the Colorado River and its
25 tributaries." The revised law omits the reference to
26 "area" because, in context, "area" is included in the
27 meaning of "watershed."

28 Revised Law

29 Sec. 8506.107. AUTHORITY PROPERTY; EMINENT DOMAIN. (a) The
30 authority may acquire, maintain, use, and operate property of any
31 kind or any interest in property, inside or outside the boundaries
32 of the authority, necessary or convenient to the exercise of the
33 powers, rights, privileges, and functions conferred on the
34 authority by this chapter. The authority may acquire the property
35 or interest in property by purchase, lease, gift, exercise of the
36 power of eminent domain, or any other manner.

37 (b) The authority must exercise the power of eminent domain
38 in the manner provided by:

39 (1) Chapter 21, Property Code; or

1 (2) the statutes relating to condemnation by districts
2 organized under general law pursuant to Section 59(a), Article XVI,
3 Texas Constitution. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2
4 (part).)

5 Source Law

6 Sec. 2. . . . Without limitation of the
7 generality of the foregoing the District shall have
8 and is hereby authorized to exercise the following
9 powers, rights, privileges and functions:

10 (f) to acquire by purchase, lease, gift, or in
11 any other manner (otherwise than by condemnation) and
12 to maintain, use and operate any and all property of
13 any kind, real, personal or mixed, or any interest
14 therein, within or without the boundaries of the
15 District, necessary or convenient to the exercise of
16 the powers, rights, privileges, and functions
17 conferred upon it by this Act;

18 (g) to acquire by condemnation any and all
19 property of any kind, real, personal or mixed, or any
20 interest therein, within or without the boundaries of
21 the District necessary or convenient to the exercise
22 of the powers, rights, privileges and functions
23 conferred upon it by this Act, in the manner provided
24 by General Law with respect to condemnation or, at the
25 option of the District, in the manner provided by the
26 Statutes relative to condemnation by Districts
27 organized under General Law pursuant to Section 59-a
28 of Article 16 of the Constitution of the State of
29 Texas;

30 . . .
31

32 Revisor's Note

33 (1) Sections 2(f) and (g), Chapter 126, General
34 Laws, Acts of the 44th Legislature, Regular Session,
35 1935, refer to "property of any kind, real, personal or
36 mixed." Throughout this chapter, the revised law
37 omits references to "real, personal, or mixed"
38 property because under Section 311.005(4), Government
39 Code (Code Construction Act), "property" includes both
40 real and personal property, and "mixed" property is
41 property consisting of both real and personal
42 property.

43 (2) Section 2(g), Chapter 126, General Laws,
44 Acts of the 44th Legislature, Regular Session, 1935,
45 authorizes the authority to acquire "by condemnation"
46 property or an interest in property. The revised law

1 authorizes the authority to acquire property or an
2 interest in property "by . . . exercise of the power of
3 eminent domain" because the phrases have the same
4 meaning and the latter phrase is consistent with
5 modern usage in laws relating to eminent domain.

6 (3) Section 2(g), Chapter 126, General Laws,
7 Acts of the 44th Legislature, Regular Session, 1935,
8 authorizes the authority to acquire by condemnation
9 property or an interest in property in the manner
10 provided by "General Law with respect to
11 condemnation." The revised law substitutes for the
12 quoted language a reference to Chapter 21, Property
13 Code, because that is the general law governing
14 eminent domain for governmental entities.

15 (4) Section 2(g), Chapter 126, General Laws,
16 Acts of the 44th Legislature, Regular Session, 1935,
17 authorizes the authority to acquire by condemnation
18 property or an interest in property in the manner
19 provided by the statutes relative to condemnation by
20 districts organized under general law pursuant to
21 "Section 59-a of Article 16 of the Constitution of the
22 State of Texas." The revised law substitutes a
23 reference to "Section 59(a)" for the reference to
24 "Section 59-a" for the reason stated in Revisor's Note
25 (3) to Section 8506.002.

26 Revised Law

27 Sec. 8506.108. SALE, LEASE, MORTGAGE, OR OTHER DISPOSITION
28 OF AUTHORITY PROPERTY. (a) The authority may not:

29 (1) mortgage or otherwise encumber authority property
30 of any kind, or any interest in authority property; or

31 (2) acquire any property or interest in property
32 subject to a mortgage or conditional sale.

33 (b) Subsection (a) does not prevent pledging authority
34 revenue as authorized by this chapter.

1 (c) This chapter does not authorize the sale, lease, or
2 other disposition of authority property of any kind, or an interest
3 in authority property, by the authority, by a receiver of any
4 authority property, through a court proceeding, or otherwise.

5 (d) Notwithstanding Subsection (c), the authority may sell
6 for cash authority property of any kind, or an interest in authority
7 property, if:

8 (1) the board, by the affirmative vote of six members
9 of the board, determines that the property or interest is not
10 necessary or convenient to the business of the authority and
11 approves the terms of the sale; and

12 (2) the aggregate value of the properties or interests
13 sold in any year does not exceed \$50,000.

14 (e) It is the intent of the legislature that, except by sale
15 as expressly authorized by this section, authority property or an
16 interest in authority property never come into the ownership or
17 control, directly or indirectly, of any person other than a public
18 authority created under the laws of this state.

19 (f) Authority property is exempt from forced sale. The sale
20 of authority property under a judgment rendered in a suit is
21 prohibited. (Acts 44th Leg., R.S., G.L., Ch. 126, Secs. 2 (part),
22 14.)

23 Source Law

24 Sec. 2. . . . Without limitation of the
25 generality of the foregoing the District shall have
26 and is hereby authorized to exercise the following
27 powers, rights, privileges and functions:

28 . . .
29 (h) subject to the provisions of this Act from
30 time to time sell or otherwise dispose of any property
31 of any kind, real or personal, or mixed, or any
32 interest therein, which shall not be necessary to the
33 carrying on of the business of the District;
34 . . .

35 Sec. 14. Nothing in this Act shall be construed
36 as authorizing the District and it shall not be
37 authorized to mortgage or otherwise encumber any of
38 its property of any kind, real, personal or mixed, or
39 any interest thereon, or to acquire any such property
40 or interest subject to a mortgage or conditional sale,
41 provided that this Section shall not be construed as
42 preventing the pledging of the revenues of the
43 District as herein authorized. Nothing in this Act

1 shall be construed as authorizing the sale, lease or
2 other disposition of any such property or interest by
3 the District, or any receiver of any of its properties
4 or through any Court proceedings or otherwise,
5 provided, however, that the District may sell for cash
6 any such property or interest in an aggregate value not
7 exceeding the sum of Fifty Thousand Dollars (\$50,000)
8 in any one year if the Board, by the affirmative vote
9 of six (6) of the members thereof shall have determined
10 that the same is not necessary or convenient to the
11 business of the District and shall have approved the
12 terms of any such sale, it being the intention of this
13 Act that except by sale as in this Section expressly
14 authorized, no such property or interest shall ever
15 come into the ownership or control, directly or
16 indirectly, of any person, firm or corporation other
17 than a public authority created under the laws of the
18 State of Texas. All property of the District shall be
19 at all times exempted from forced sale, and nothing in
20 this Act contained shall authorize the sale of any of
21 the property of the District under any judgment
22 rendered in any suit, and such sales are hereby
23 prohibited and forbidden.

24 Revisor's Note

25 (1) Section 2(h), Chapter 126, General Laws,
26 Acts of the 44th Legislature, Regular Session, 1935,
27 provides that, subject to the other provision of the
28 act, the authority may "from time to time sell or
29 otherwise dispose of" property or an interest in
30 property that is not necessary to the carrying on of
31 the business of the authority. The revised law omits
32 the reference to "from time to time" because the power
33 to take an action implies the power to do so at any
34 time. The revised law omits the reference to
35 "otherwise dispos[ing] of" property because Section 14
36 of the act, revised in this section, prohibits the
37 authority from selling, leasing, or otherwise
38 disposing of property except by means of a sale for
39 cash.

40 (2) Section 14, Chapter 126, General Laws, Acts
41 of the 44th Legislature, Regular Session, 1935, refers
42 to the transfer of ownership or control of certain
43 property to a person, "firm or corporation." The
44 revised law omits the quoted language for the reason
45 stated in the revisor's note to Section 8506.103.

1 (3) Section 14, Chapter 126, General Laws, Acts
2 of the 44th Legislature, Regular Session, 1935,
3 provides that certain property sales are "prohibited
4 and forbidden." The revised law omits "forbidden"
5 because it is included within the meaning of
6 "prohibited."

7 Revised Law

8 Sec. 8506.109. OVERFLOW OR INUNDATION OF PUBLIC PROPERTY;
9 RELOCATION OF ROADS. The authority may overflow and inundate any
10 public land or public property and require the relocation of a road
11 or highway in the manner and to the extent permitted to a district
12 organized under general law pursuant to Section 59(a), Article XVI,
13 Texas Constitution. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 2
14 (part).)

15 Source Law

16 Sec. 2. . . . Without limitation of the
17 generality of the foregoing the District shall have
18 and is hereby authorized to exercise the following
19 powers, rights, privileges and functions:

20 . . .
21 (i) to overflow and inundate any public lands
22 and public property and to require the relocation of
23 roads and highways in the manner and to the extent
24 permitted to Districts organized under General Law
25 pursuant to Section 59-a of Article 16 of the
26 Constitution of the State of Texas;
27 . . .

28 Revisor's Note

29 Section 2(i), Chapter 126, General Laws, Acts of
30 the 44th Legislature, Regular Session, 1935,
31 authorizes the authority to overflow and inundate any
32 public land or public property and require the
33 relocation of a road or highway in the manner and to
34 the extent permitted to a district organized under
35 general law pursuant to "Section 59-a of Article 16 of
36 the Constitution of the State of Texas." The revised
37 law substitutes a reference to "Section 59(a)" for the
38 reference to "Section 59-a" for the reason stated in
39 Revisor's Note (3) to Section 8506.002.

1 make a contract or execute an instrument necessary or convenient to
2 the exercise of the powers, rights, privileges, and functions
3 conferred on the authority by this chapter. (Acts 44th Leg., R.S.,
4 G.L., Ch. 126, Sec. 2 (part).)

5 Source Law

6 Sec. 2. . . . Without limitation of the
7 generality of the foregoing the District shall have
8 and is hereby authorized to exercise the following
9 powers, rights, privileges and functions:

10 . . .
11 (o) to make contracts and to execute instruments
12 necessary or convenient to the exercise of the powers,
13 rights, privileges and functions conferred upon it by
14 this Act;

15 . . .

16 Revised Law

17 Sec. 8506.113. ADDITIONAL POWERS RELATING TO CONTRACTS,
18 RULES, AND REGULATIONS. The authority may enter into and carry out
19 contracts or establish or comply with rules and regulations
20 concerning labor and materials and other related matters in
21 connection with any project the authority considers desirable or as
22 requested by the United States, or any corporation or agency
23 created, designated, or established by the United States, that may
24 assist in the financing of the project. (Acts 44th Leg., R.S.,
25 G.L., Ch. 126, Sec. 12.)

26 Source Law

27 Sec. 12. The District may, but without
28 intending by this provision to limit any powers of the
29 District as granted to it by this Act, enter into and
30 carry out such contracts, or establish or comply with
31 such rules and regulations concerning labor and
32 materials and other related matters in connection with
33 any project or projects as the District may deem
34 desirable or as may be requested by the United States
35 of America, or any corporation or agency created,
36 designated or established thereby, which may assist in
37 the financing of any such project or projects.

38 Revised Law

39 Sec. 8506.114. LIMITATIONS ON POWERS OF AUTHORITY. (a)
40 Notwithstanding any right or permit to use the water of the Colorado
41 River and its tributaries for the generation of hydroelectric power
42 that was issued by the former State Board of Water Engineers, was in
43 existence as of May 2, 1935, and is acquired by the authority, the

1 impounding and use of the floodwaters of the Colorado River and its
2 tributaries for the generation of hydroelectric power by the
3 authority or a person who succeeds to the rights and privileges
4 conferred on the authority by this chapter are subject to the rights
5 of any other person who before May 2, 1935, was impounding or as of
6 that date was putting to beneficial use any water for the purposes
7 described by Sections 11.024(1) and (2), Water Code, if the person:

8 (1) before May 2, 1935, received a permit for that use
9 from the former State Board of Water Engineers; or

10 (2) by law was permitted before May 2, 1935, to impound
11 water for those purposes.

12 (b) This chapter may not be construed to subject to
13 condemnation by the authority or any successor of the authority, or
14 by any person who succeeds to the rights and privileges conferred on
15 the authority by this chapter, any water:

16 (1) impounded or to be impounded inside or outside the
17 authority under any law authorizing water to be impounded or under
18 any permit granted to a municipal corporation or body politic; or

19 (2) impounded or permitted to be impounded or used
20 outside the authority under a permit granted to any person.

21 (c) This chapter may not be construed to deprive any person
22 of the right to impound the water of the Colorado River or its
23 tributaries for domestic or municipal purposes or to repeal any law
24 granting such a right to a person.

25 (d) The rights of the authority to impound, use, or sell the
26 water of the Colorado River and its tributaries for the generation
27 of hydroelectric power are subordinate and inferior to the rights
28 of:

29 (1) municipalities situated in the watershed of the
30 Colorado River and its tributaries to build dams and impound
31 floodwaters for municipal purposes; and

32 (2) any residents of this state or bodies politic to
33 build dams and impound the floodwaters in the watershed of the
34 Colorado River and its tributaries for domestic purposes and for

1 the purposes of irrigation.

2 (e) The title to any right, property, license, franchise, or
3 permit acquired by the authority is subject to the limitations
4 imposed by Subsection (d). (Acts 44th Leg., R.S., G.L., Ch. 126,
5 Secs. 2 (part), 2-a.)

6 Source Law

7 Sec. 2. . . .

8 Provided further, that in creating and conferring
9 the benefits of this Act on said District, it is
10 declared as an essential part thereof that
11 irrespective of any existing right or rights or
12 permits issued by the Board of Water Engineers of the
13 State of Texas to use the water of the Colorado River
14 and its tributaries for the generation of
15 hydro-electric power and which rights or permits may
16 be acquired by the District; the impounding and use of
17 the flood waters of the Colorado River and/or its
18 tributaries for the generation of hydro-electric power
19 by the District and/or any one who may succeed to the
20 rights and privileges conferred upon it by this Act,
21 shall be subject to the rights of any other person,
22 municipal corporation or body politic heretofore
23 impounding or now putting to beneficial use any such
24 waters for the purposes, set forth in subdivisions
25 (1), (2) and (3) of Article 7471 of the Revised Civil
26 Statutes of the State of Texas, as amended by Chapter
27 128 of the Acts of the Forty-second Legislature of the
28 State of Texas, when such other person, municipal
29 corporation or body politic has heretofore received a
30 permit for such use or uses from the Board of Water
31 Engineers of the State of Texas, or who by law has
32 heretofore been permitted to impound water for the
33 aforesaid purposes, and nothing in this Act shall ever
34 be construed so as to subject to condemnation by said
35 District or any successors or by anyone who may succeed
36 to the rights and privileges conferred upon it by this
37 Act any waters heretofore impounded or to be impounded
38 within or without the District under any law
39 authorizing water to be impounded or under any permits
40 heretofore granted or hereafter granted to a municipal
41 corporation or body politic or any waters heretofore
42 impounded or permitted to be impounded or used without
43 the District under permits heretofore or hereafter
44 granted to any person.

45 Nothing in this Act shall be construed as
46 depriving any person or municipality of the right to
47 impound the waters of the Colorado River and/or its
48 tributaries for domestic and/or municipal purposes,
49 nor of repealing any law granting such rights to
50 persons and municipalities.

51 Sec. 2-a. It is now declared to be the public
52 policy of this State that any and all rights of the
53 District hereby created to impound and/or use and/or
54 sell the waters of the Colorado River and its
55 tributaries for the generation of hydro-electric
56 power, shall be subordinate and inferior to the rights
57 of cities and towns situated within the watershed of
58 the Colorado River and its tributaries to build dams
59 and impound flood waters for municipal purposes; and
60 likewise the rights of the said District hereby
61 created, to impound and/or use and/or sell said waters

1 for the generation of hydro-electric power, shall be
2 subordinate and inferior to the rights of any citizen
3 of Texas, or bodies politic, to build dams and impound
4 the flood waters within the watershed of the Colorado
5 River and its tributaries for domestic purposes and
6 for the purposes of irrigation, and the title to any
7 and all rights, properties, licenses, franchises,
8 and/or permits acquired, or to be acquired, by the
9 Upper Colorado River Authority, shall be and become
10 subject to the limitations imposed by this Section.

11 Revisor's Note

12 (1) Section 2, Chapter 126, General Laws, Acts
13 of the 44th Legislature, Regular Session, 1935, refers
14 to any "existing" right or rights or permits issued by
15 the "Board of Water Engineers of the State of Texas" to
16 use the water of the Colorado River and its tributaries
17 for the generation of hydroelectric power. The
18 revised law refers to a right or permit that was issued
19 by the "former" State Board of Water Engineers because
20 the Texas Commission on Environmental Quality has
21 succeeded to the relevant functions of the State Board
22 of Water Engineers. The revised law refers to a right
23 or permit that was in existence as of May 2, 1935,
24 because that was the effective date of Chapter 126.

25 (2) Section 2, Chapter 126, General Laws, Acts
26 of the 44th Legislature, Regular Session, 1935,
27 provides that certain rights or permits acquired by
28 the authority are subject to the rights of "any other
29 person, municipal corporation or body politic
30 heretofore impounding or now putting to beneficial
31 use" the water of the Colorado River and its
32 tributaries. The revised law omits the reference to a
33 "municipal corporation or body politic" because under
34 Section 311.005(2), Government Code (Code
35 Construction Act), "person" is defined to include any
36 legal entity. The revised law substitutes a reference
37 to "May 2, 1935," for the reference to "heretofore" for
38 the reason stated in Revisor's Note (1). The revised
39 law substitutes a reference to "as of that date" for

1 the reference to "now" for the reason stated in
2 Revisor's Note (1).

3 (3) Section 2, Chapter 126, General Laws, Acts
4 of the 44th Legislature, Regular Session, 1935, refers
5 to Subdivisions (1), (2), and (3) of Article 7471 of
6 the Revised Civil Statutes of the State of Texas, as
7 amended by Chapter 128 of the Acts of the 42nd
8 Legislature of the State of Texas. Article 7471,
9 Revised Statutes, was codified as Section 5.024, Water
10 Code, by Chapter 58, Acts of the 62nd Legislature,
11 Regular Session, 1971, and renumbered as Section
12 11.024, Water Code, by Chapter 870, Acts of the 65th
13 Legislature, Regular Session, 1977. In 2001, Section
14 11.024, Water Code, was amended by Chapter 966, Acts of
15 the 77th Legislature, Regular Session. As a result of
16 the amendment, Subdivisions (1), (2), and (3) of
17 Article 7471, Revised Statutes, are now codified as
18 Subdivisions (1) and (2) of Section 11.024, Water
19 Code. The revised law is drafted accordingly.

20 (4) Section 2, Chapter 126, General Laws, Acts
21 of the 44th Legislature, Regular Session, 1935, refers
22 to a "person, municipal corporation or body politic"
23 who has "heretofore" received a permit from the Board
24 of Water Engineers of the State of Texas or who has
25 "heretofore" been permitted to impound water. The
26 revised law omits the reference to a "municipal
27 corporation or body politic" for the reason stated in
28 Revisor's Note (2). The revised law substitutes
29 references to "May 2, 1935," for the references to
30 "heretofore" for the reason stated in Revisor's Note
31 (1). The revised law refers to a permit from the
32 "former" State Board of Water Engineers for the reason
33 stated in Revisor's Note (1).

34 (5) Section 2, Chapter 126, General Laws, Acts

1 of the 44th Legislature, Regular Session, 1935, refers
2 to any "person or municipality" and to "persons and
3 municipalities." The revised law omits the references
4 to "municipality" and "municipalities" for the reason
5 stated in Revisor's Note (2).

6 (6) Section 2-a, Chapter 126, General Laws, Acts
7 of the 44th Legislature, Regular Session, 1935, refers
8 to "cities and towns." The revised law substitutes
9 "municipality" for "cities and towns" because the
10 meaning of "municipality" includes both cities and
11 towns and because that is the term used in the Local
12 Government Code.

13 (7) Section 2-a, Chapter 126, General Laws, Acts
14 of the 44th Legislature, Regular Session, 1935, refers
15 to "citizen[s]" of Texas. The revised law substitutes
16 "residents" for "citizens" for the reason stated in
17 Revisor's Note (1) to Section 8506.051.

18 Revised Law

19 Sec. 8506.115. PUBLIC USE OF AUTHORITY'S LAND. (a) The
20 authority may not prevent free public use of its land for
21 recreational purposes, hunting, or fishing except:

22 (1) at such points where, in the opinion of the board,
23 the use would interfere with the proper conduct of the business;

24 (2) in connection with the enforcement of sanitary
25 regulations; or

26 (3) to protect the public's health.

27 (b) All public rights-of-way not traversing the areas to be
28 flooded by the impounded waters shall remain open as a way of free
29 public passage to and from the lakes created, and a charge may not
30 be made to the public for the right to engage in hunting, fishing,
31 boating, or swimming thereon.

32 (c) On notice by a resident of this state of a violation of
33 this section, the attorney general shall institute the proper legal
34 proceedings to require the authority or its successor to comply

1 with this section.

2 (d) If the authority sells any of the authority's land
3 bordering a lake created under this chapter, the authority shall
4 retain in each tract a strip 80 feet wide abutting the high-water
5 line of the lake for the purpose of passage and use by the public for
6 public sports and amusements. This subsection does not apply to a
7 sale of land by the authority to a state or federal agency to be used
8 for game or fish sanctuaries, preserves, or for propagation
9 purposes. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 15.)

10 Source Law

11 Sec. 15. The District shall not prevent free
12 public use of its lands for recreation purposes and for
13 hunting and fishing except at such points where, in the
14 opinion of the Directors, such use would interfere
15 with the proper conduct of the business or in
16 connection with the enforcement of sanitary
17 regulations or to protect the public's health.

18 All public rights of way not traversing the areas
19 to be flooded by the impounded waters shall remain open
20 as a way of free public passage to and from the lakes
21 created, and no charge shall ever be made to the public
22 for the right to engage in hunting, fishing, boating or
23 swimming thereon.

24 Upon it being called to the attention of the
25 Attorney General of Texas by any citizen of Texas, that
26 this Section has not been complied with, it shall be
27 the duty of the Attorney General of Texas to institute
28 the proper legal proceedings to require said District,
29 or their successors, to comply with the provisions of
30 this Section.

31 Provided, that if any of the land owned by the
32 District bordering the lakes to be created under the
33 authority of this Act be sold by the District, the
34 District shall retain in each tract a strip eighty (80)
35 feet wide abutting the high water line of the lake for
36 the purpose of passage and use by the public for public
37 sports and amusements, provided, further, however,
38 that this provision shall not apply to any sales of
39 land by the District to any State or Federal Agency to
40 be used for game or fish sanctuaries, preserves, or for
41 propagation purposes.

42 Revisor's Note

43 Section 15, Chapter 126, General Laws, Acts of
44 the 44th Legislature, Regular Session, 1935, refers to
45 any "citizen" of Texas. The revised law substitutes
46 "resident" for "citizen" for the reason stated in
47 Revisor's Note (1) to Section 8506.051.

1 Revisor's Note
2 (End of Subchapter)

3 (1) Section 2(k), Chapter 126, General Laws,
4 Acts of the 44th Legislature, Regular Session, 1935,
5 provides that the authority may sue and be sued in its
6 corporate name. The revised law omits that provision
7 because it duplicates, in substance, part of Section
8 49.066, Water Code. The omitted law reads:

9 Sec. 2. . . . [Without limitation of
10 the generality of the foregoing the
11 District shall have and is hereby
12 authorized to exercise the following
13 powers, rights, privileges and functions:]

14 . . .
15 (k) to sue and be sued in its
16 corporate name;
17 . . .

18 (2) Section 2(l), Chapter 126, General Laws,
19 Acts of the 44th Legislature, Regular Session, 1935,
20 provides that the authority may make bylaws for the
21 management and regulation of its affairs. The revised
22 law omits that provision because it duplicates, in
23 substance, part of Section 49.057(g), Water Code. The
24 omitted law reads:

25 Sec. 2. . . . [Without limitation of
26 the generality of the foregoing the
27 District shall have and is hereby
28 authorized to exercise the following
29 powers, rights, privileges and functions:]

30 . . .
31 (l) to make by-laws for the
32 management and regulation of its affairs;
33 . . .

34 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

35 Revised Law

36 Sec. 8506.151. DISBURSEMENT OF MONEY. The authority may
37 disburse its money only by a check, draft, order, or other
38 instrument signed by a person authorized to sign the instrument by
39 the bylaws or a resolution in which at least five directors concur.
40 (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 5 (part).)

41 Source Law

42 Sec. 5. The moneys of the District shall be
43 disbursed only on checks, drafts, orders or other

1 instruments signed by such persons as shall be
2 authorized to sign the same by the by-laws, or
3 resolution concurred in by not less than five
4 directors. . . .

5 Revised Law

6 Sec. 8506.152. ACCOUNTS, CONTRACTS, AND OTHER RECORDS;
7 PUBLIC INSPECTION. (a) The authority shall keep complete and
8 accurate accounts conforming to approved methods of bookkeeping.

9 (b) The accounts and all contracts, documents, and records
10 of the authority shall be kept at the principal office of the
11 authority.

12 (c) The contracts shall be open to public inspection at all
13 reasonable times. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 6
14 (part).)

15 Source Law

16 Sec. 6. . . . The District shall cause to be
17 kept complete and accurate accounts conforming to
18 approved methods of bookkeeping. Said accounts and
19 all contracts, documents and records of the District
20 shall be kept at said principal office. Said accounts
21 and contracts shall be open to public inspection at all
22 reasonable times. . . .

23 Revisor's Note

24 Section 6, Chapter 126, General Laws, Acts of the
25 44th Legislature, Regular Session, 1935, provides that
26 accounts and contracts shall be open to public
27 inspection at all reasonable times. The revised law
28 omits that provision insofar as it pertains to
29 accounts as superseded by Sections 49.191(b) and
30 49.196(b), Water Code (enacted by Section 2, Chapter
31 715, Acts of the 74th Legislature, Regular Session,
32 1995), which provide that a district's fiscal records
33 shall be available for public inspection during
34 regular business hours.

35 Revised Law

36 Sec. 8506.153. FILING OF COPIES OF AUDIT REPORT. Copies of
37 the audit report prepared under Subchapter G, Chapter 49, Water
38 Code, shall be certified to by the accountant who performed the
39 audit and filed:

1 (1) as required by Section 49.194, Water Code; and
2 (2) with the comptroller. (Acts 44th Leg., R.S.,
3 G.L., Ch. 126, Sec. 6 (part); New.)

4 Source Law

5 Sec. 6. . . . Copies of a written report of such
6 audit certified to by said accountant or accountants,
7 shall be placed and kept on file with the Treasurer of
8 the State of Texas, with the Texas Natural Resource
9 Conservation Commission, and at said principal office,
10 and

11 Revisor's Note

12 (1) Section 6, Chapter 126, General Laws, Acts
13 of the 44th Legislature, Regular Session, 1935, refers
14 to various audit procedures, including requirements
15 regarding filing of copies of the audit report. The
16 revised law omits certain of those procedures for the
17 following reasons. Chapter 49, Water Code, which was
18 enacted by Chapter 715, Acts of the 74th Legislature,
19 Regular Session, 1995, applies to the authority by
20 application of Sections 49.001 and 49.002 of that
21 chapter. As further detailed in the revisor's notes
22 that follow, certain procedural requirements of
23 Section 6, Chapter 126, have been omitted as
24 superseded by Subchapter G, Chapter 49, Water Code.
25 Section 49.191(b), Water Code, provides that in all
26 areas of conflict Subchapter G "shall take precedence
27 over all prior statutory enactments."

28 For context and the convenience of the reader,
29 the revised law adds a reference to the audit report
30 prepared under Subchapter G, Chapter 49, Water Code,
31 and to Section 49.194 of that code, which governs the
32 filing of the report.

33 The Texas Commission on Environmental Quality is
34 the successor to the Texas Natural Resource
35 Conservation Commission. The revised law omits a
36 requirement that a copy of the audit report be filed

1 with the Texas Commission on Environmental Quality
2 because it duplicates or is superseded by Section
3 49.194(a), Water Code.

4 An amendment to Section 23, Article IV, Texas
5 Constitution, adopted November 7, 1995, abolished the
6 office of state treasurer effective September 1, 1996.
7 Under Sections 404.0011(a) and (b), Government Code,
8 the state treasurer's powers and duties were
9 transferred to the comptroller, and a reference in law
10 to the state treasurer means the comptroller. The
11 revised law is drafted accordingly.

12 The revised law omits the requirement that a copy
13 of the audit report be filed at the principal office of
14 the authority because it duplicates or is superseded
15 by Section 49.194(c), Water Code.

16 (2) Section 6, Chapter 126, General Laws, Acts
17 of the 44th Legislature, Regular Session, 1935,
18 provides that the board shall cause a financial audit
19 to be completed within 90 days after the end of each
20 calendar year. The revised law omits that provision as
21 superseded by Sections 49.191(a), (b), and (d), Water
22 Code (enacted by Section 2, Chapter 715, Acts of the
23 74th Legislature, Regular Session, 1995), which
24 require an annual audit to be completed within 120 days
25 after the close of the authority's fiscal year. The
26 omitted law reads:

27 Sec. 6. . . . The Board shall cause
28 to be made and completed within ninety days
29 after the end of each calendar year, an
30 audit of the books of account and financial
31 records of the District for such calendar
32 year,

33 (3) Section 6, Chapter 126, General Laws, Acts
34 of the 44th Legislature, Regular Session, 1935,
35 provides that the audit shall be prepared by an
36 independent certified public accountant or firm of

certified public accountants. The revised law omits that provision as superseded by Sections 49.191(b) and (c), Water Code (enacted by Section 2, Chapter 715, Acts of the 74th Legislature, Regular Session, 1995), which provide that the person who performs the audit shall be a certified public accountant or public accountant holding a permit from the Texas State Board of Public Accountancy. The omitted law reads:

Sec. 6. . . . such audit to be made by an independent Certified Public Accountant or firm of Certified Public Accountants. . . .

(4) Section 6, Chapter 126, General Laws, Acts of the 44th Legislature, Regular Session, 1935, provides that the filed copies of the audit report shall be open to public inspection at all reasonable times. The revised law omits that provision for the reason stated in the revisor's note to Section 8506.152. The omitted law reads:

Sec. 6. . . . [Copies of a written report of such audit] . . . shall be open to public inspection at all reasonable times.

Revised Law

Sec. 8506.154. RATES AND OTHER CHARGES. (a) The board shall establish and collect rates and other charges for the sale or use of water, water connections, power, electric energy, or other services sold, provided, or supplied by the authority.

(b) The rates and charges must be reasonable, nondiscriminatory, and sufficient to provide revenue adequate to:

(1) pay all expenses necessary to the operation and maintenance of the properties and facilities of the authority;

(2) pay the interest on and the principal of all bonds issued under this chapter or its predecessor statute when and as they become due and payable;

(3) pay all sinking fund or reserve fund payments agreed to be made with respect to bonds issued under this chapter or

1 its predecessor statute and payable out of that revenue when and as
2 they become due and payable; and

3 (4) fulfill the terms of any agreements made with the
4 holders of bonds issued under this chapter or its predecessor
5 statute or with any person in their behalf.

6 (c) The rates and charges may not exceed what may be
7 necessary to fulfill the obligations imposed on the authority by
8 this chapter. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 8 (part).)

9 Source Law

10 Sec. 8. The Board shall establish and collect
11 rates and other charges for the sale or use of water,
12 water connections, power, electric energy or other
13 services sold, furnished, or supplied by the District,
14 which fees and charges shall be reasonable and
15 nondiscriminatory and sufficient to produce revenues
16 adequate, in addition to funds received from tax
17 diversion.

18 (a) to pay all expenses necessary to the
19 operation and maintenance of the properties and
20 facilities of the District:

21 (b) to pay the interest on and principal of all
22 bonds issued under this Act when and as the same shall
23 become due and payable.

24 (c) to pay all sinking fund and/or reserve fund
25 payments agreed to be made in respect of any such
26 bonds, and payable out of such revenues, when and as
27 the same shall become due and payable and

28 (d) to fulfill the terms of any agreements made
29 with the holders of such bonds and/or with any person
30 in their behalf.

31 . . .

32 It is the intention of this Act that the rates and
33 charges of the District shall not be in excess of what
34 may be necessary to fulfill the obligations imposed
35 upon it by this Act. . . .

36 Revisor's Note

37 (1) Section 8, Chapter 126, General Laws, Acts
38 of the 44th Legislature, Regular Session, 1935, refers
39 variously to "rates and other charges," "rates and
40 charges," and "fees and charges." The revised law
41 substitutes "rates and charges" for "fees and charges"
42 for consistency of terminology.

43 (2) Section 8, Chapter 126, General Laws, Acts
44 of the 44th Legislature, Regular Session, 1935,
45 provides that the authority's rates and charges, "in
46 addition to funds received from tax diversion," must

1 provide sufficient revenue to satisfy certain of the
2 authority's financial obligations. The tax diversion
3 referred to appears to be the diversion of state ad
4 valorem tax revenue provided for by Sections 17, 17A,
5 17B, and 18 of Chapter 126. The revised law omits the
6 quoted language because those sections have been
7 omitted from the revised law as executed. See
8 Revisor's Note (1) at the end of the chapter.

9 Revised Law

10 Sec. 8506.155. USE OF EXCESS REVENUE. If the authority
11 receives revenue in excess of that required for the purposes
12 specified by Section 8506.154(b), the board may:

13 (1) use the excess revenue to:

14 (A) establish a reasonable depreciation and
15 emergency fund; or

16 (B) retire bonds issued under this chapter or its
17 predecessor statute by purchase and cancellation or redemption; or

18 (2) apply the excess revenue to any corporate purpose.
19 (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 8 (part).)

20 Source Law

21 Sec. 8. . . .
22 Out of the revenues which may be received in
23 excess of those required for the purposes specified in
24 subparagraphs (a), (b), (c), and (d) above, the Board
25 may in its discretion establish a reasonable
26 depreciation and emergency fund, or retire (by
27 purchase and cancellation or redemption) bonds issued
28 under this Act, or apply the same to any corporate
29 purpose.

30 . . .

31 Revised Law

32 Sec. 8506.156. TAX OR ASSESSMENT OR PLEDGE OF CREDIT OF
33 STATE NOT AUTHORIZED BY CHAPTER. This chapter does not authorize
34 the authority to:

35 (1) levy or collect a tax or assessment;

36 (2) create any debt payable out of taxes or
37 assessments; or

38 (3) in any way pledge the credit of this state. (Acts

1 44th Leg., R.S., G.L., Ch. 126, Sec. 1 (part).)

2 Source Law

3 Sec. 1. . . . Nothing in this Act or in any
4 other Act or law contained, however, shall be
5 construed as authorizing the District to levy or
6 collect taxes or assessments, or to create any
7 indebtedness payable out of taxes or assessments, or
8 in any way to pledge the credit of the State.

9 Revisor's Note

10 Section 1, Chapter 126, General Laws, Acts of the
11 44th Legislature, Regular Session, 1935, provides that
12 nothing in the act or "in any other Act or law
13 contained" may be construed as authorizing the
14 authority to levy or collect taxes or assessments, to
15 create any debt payable out of taxes or assessments, or
16 in any way to pledge the credit of this state. The
17 revised law omits the statement that nothing in any
18 other act or law may be construed as authorizing the
19 authority to take the stated actions because the
20 statement is both unnecessary and potentially
21 misleading. An accepted general principle of
22 statutory construction requires a statute to be given
23 cumulative effect with other statutes unless it
24 provides otherwise or unless the statutes are in
25 conflict. To the extent the statement means that the
26 act prevails over other law in existence at the time
27 the act became effective and with which the act
28 conflicts, it merely restates general rules of
29 statutory construction. To the extent the statement
30 means the act prevails over future enactments of the
31 legislature that may conflict with it, it is
32 misleading. For example, Section 49.107, Water Code,
33 enacted in 1995 and applicable to the authority under
34 Sections 49.001 and 49.002 of that code, authorizes a
35 district to impose ad valorem taxes for operation and
36 maintenance purposes. Section 311.026, Government

1 Code (Code Construction Act), governs the
2 interpretation of the revised law in instances of
3 apparent conflict with other laws. See also the
4 revisor's note at the end of Subchapter A.

5 SUBCHAPTER E. OBLIGATIONS RELATING TO BORROWED MONEY OR GRANTS

6 Revised Law

7 Sec. 8506.201. LOANS AND GRANTS. The authority may:

8 (1) borrow money for the authority's corporate
9 purposes;

10 (2) borrow money or accept a grant from the United
11 States and, in connection with the loan or grant, enter into any
12 agreement the United States or the corporation or agency may
13 require; and

14 (3) make and issue bonds for money borrowed, in the
15 manner and to the extent provided by Sections 8506.204, 8506.205,
16 8506.206, 8506.207, and 8506.208. (Acts 44th Leg., R.S., G.L., Ch.
17 126, Sec. 2 (part).)

18 Source Law

19 Sec. 2. . . . Without limitation of the
20 generality of the foregoing the District shall have
21 and is hereby authorized to exercise the following
22 powers, rights, privileges and functions:

23 . . .
24 (p) to borrow money for its corporate purposes
25 and, without limitation of the generality of the
26 foregoing, to borrow money and accept grants from the
27 United States of America, and, in connection with any
28 such loan or grant, to enter into such agreements as
29 the United States of America or such corporation or
30 agency may require; and to make and issue its
31 negotiable bonds for moneys borrowed in the manner and
32 to the extent provided in Section 10. . . .

33 Revisor's Note

34 (1) Section 2(p), Chapter 126, General Laws,
35 Acts of the 44th Legislature, Regular Session, 1935,
36 authorizes the authority to issue "negotiable" bonds.
37 The revised law omits the reference to "negotiable"
38 bonds because Section 1201.041, Government Code,
39 provides that a public security is a negotiable
40 instrument. Throughout this chapter, the revised law

omits law that is superseded by Chapter 1201, Government Code, or that duplicates law contained in that chapter. Chapter 1201, Government Code, applies to authority bonds under Sections 1201.002 and 1201.003, Government Code.

(2) Section 2(p), Chapter 126, General Laws, Acts of the 44th Legislature, Regular Session, 1935, provides that the act does not authorize the issuance of bonds, notes, or other evidences of indebtedness of the authority except as specifically provided by the act and that an issuance of bonds, notes, or other evidences of indebtedness of the authority is not authorized except by the act or another act of the legislature. The revised law omits those provisions because the limitations contained in the act and other acts of the legislature apply to the issuance of authority bonds, notes, or other evidences of indebtedness without an express reference to those limitations in this section. The omitted law reads:

Sec. 2. . . .
(p) . . . Nothing in this Act shall authorize the issuance of any bonds, notes or other evidences of indebtedness of the District, except as specifically provided in this Act, and no issuance of bonds, notes or other evidences of indebtedness of the District, except as specifically provided in this Act, shall ever be authorized except by an Act of the Legislature;
. . .

Revised Law

Sec. 8506.202. STATE PLEDGE REGARDING RIGHTS AND REMEDIES OF BONDHOLDERS. This chapter does not deprive this state of its power to regulate and control rates or charges to be collected for the use of water, water connections, power, electric energy, or another service. The state pledges to and agrees with the purchasers and successive holders of the bonds issued under this chapter that the state will not limit or alter the power this chapter gives the authority to establish and collect rates and

1 charges that will produce revenue sufficient to pay the items
2 specified by Section 8506.154(b) or in any way impair the rights or
3 remedies of the holders of the bonds, or of any person in their
4 behalf, until the following are fully met and discharged:

- 5 (1) the bonds;
- 6 (2) the interest on the bonds;
- 7 (3) interest on unpaid installments of interest;
- 8 (4) all costs and expenses in connection with any
9 action or proceedings by or on behalf of the bondholders; and
- 10 (5) all other obligations of the authority in
11 connection with the bonds. (Acts 44th Leg., R.S., G.L., Ch. 126,
12 Sec. 8 (part).)

13 Source Law

14 Sec. 8. . . . Nothing herein shall be construed
15 as depriving the State of Texas of its power to
16 regulate and control fees and/or charges to be
17 collected for the use of water, water connections,
18 power, electric energy, or other service, provided
19 that the State of Texas does hereby pledge to and agree
20 with the purchasers and successive holders of the
21 bonds issued hereunder that the State will not limit or
22 alter the power hereby vested in the District to
23 establish and collect such fees and charges as will
24 produce revenues sufficient to pay the items specified
25 in subparagraphs (a), (b), (c), and (d) of this Section
26 8, or in any way to impair the rights or remedies of the
27 holders of the bonds, or of any person in their behalf,
28 until the bonds, together with the interest thereon,
29 with interest on unpaid installments of interest and
30 all costs and expenses in connection with any action or
31 proceedings by or on behalf of the bondholders and all
32 other obligations of the District in connection with
33 such bonds are fully met and discharged.

34 Revisor's Note

35 Section 8, Chapter 126, General Laws, Acts of the
36 44th Legislature, Regular Session, 1935, refers to
37 "fees and/or charges" and "fees and charges." The
38 revised law substitutes "rates and charges" for the
39 quoted language for the reason stated in Revisor's Note
40 (1) to Section 8506.154.

41 Revised Law

42 Sec. 8506.203. OBLIGATION PAYABLE FROM REVENUE. A debt,
43 liability, or obligation of the authority for the payment of money,

1 however entered into or incurred and whether arising from an
2 express or implied contract or otherwise, is payable solely:

3 (1) out of the revenue received by the authority with
4 respect to its properties, subject to any prior lien on the revenue
5 conferred by any resolution previously adopted as provided by this
6 chapter authorizing the issuance of bonds; or

7 (2) if the board so determines, out of the proceeds of
8 sale by the authority of bonds payable solely from revenue
9 described by Subdivision (1). (Acts 44th Leg., R.S., G.L., Ch. 126,
10 Sec. 9.)

11 Source Law

12 Sec. 9. Any and every indebtedness, liability
13 or obligation of the District, for the payment of
14 money, however, entered into or incurred, and whether
15 arising from contract, implied contract or otherwise
16 shall be payable solely (1) out of the revenues
17 received by the District in respect of its properties,
18 including funds received by reason of diversion of
19 taxes, subject to any prior lien thereon conferred by
20 any resolution or resolutions theretofore adopted as
21 in this Act provided, authorizing the issuance of
22 bonds or (2), if the Board shall so determine, out of
23 the proceeds of sale by the District of bonds payable
24 solely from such revenues.

25 Revisor's Note

26 Section 9, Chapter 126, General Laws, Acts of the
27 44th Legislature, Regular Session, 1935, provides that
28 obligations of the authority are payable solely out of
29 the revenue received by the authority with respect to
30 its properties, "including funds received by reason of
31 diversion of taxes," or, if the board so determines,
32 out of the proceeds of sale by the authority of bonds
33 payable solely from that revenue. The revised law
34 omits the quoted language for the reason stated in
35 Revisor's Note (2) to Section 8506.154.

36 Revised Law

37 Sec. 8506.204. POWER TO ISSUE REVENUE BONDS. (a) The
38 authority may issue revenue bonds for any corporate purpose in any
39 amount authorized by the directors but not to exceed an aggregate
40 principal amount of \$6 million.

1 (b) The bonds may be secured only by a pledge of the amounts
2 granted or donated by this state or out of any other current revenue
3 of the district, which amounts shall be paid to the legal holders of
4 the bonds.

5 (c) The bonds must be authorized by a board resolution.
6 (Acts 44th Leg., R.S., G.L., Ch. 126, Secs. 2 (part), 10 (part).)

7 Source Law

8 Sec. 2. . . . Without limitation of the
9 generality of the foregoing the District shall have
10 and is hereby authorized to exercise the following
11 powers, rights, privileges and functions:

12 . . .
13 (r) this district and/or the Brazos River
14 Conservation and Reclamation District heretofore
15 created by act of the Legislature of the State of
16 Texas, Chapter 13, Special Laws, Second Called Session
17 of the Forty-first Legislature, shall have the
18 authority and it is hereby authorized to issue its
19 negotiable revenue bonds secured only by pledge of the
20 sums granted and/or donated by the State of Texas
21 and/or out of any other current revenues of the
22 district in any such amount as may be authorized by the
23 directors of such district, which sums shall be paid to
24 the legal holders of said bond.
25 . . .

26 Sec. 10. The District shall have power and is
27 hereby authorized to issue, from time to time, bonds as
28 herein authorized for any corporate purpose, not to
29 exceed Six Million Dollars (\$6,000,000) in aggregate
30 principal amount. . . . All such bonds shall be
31 authorized by resolution of the Board concurred in by
32 at least five (5) of the members thereof, and

33 Revisor's Note

34 (1) Section 2(r), Chapter 126, General Laws,
35 Acts of the 44th Legislature, Regular Session, 1935,
36 authorizes the authority and the former Brazos River
37 Conservation and Reclamation District (now the Brazos
38 River Authority) to issue negotiable revenue bonds
39 secured only by a pledge of the amounts granted or
40 donated by the State of Texas or any other current
41 revenue of the issuer. Section 5, Chapter 3, Acts of
42 the 43rd Legislature, 4th Called Session, 1934, as
43 amended by Chapter 368, Acts of the 44th Legislature,
44 1st Called Session, 1935, contained substantively
45 duplicative language authorizing the former Brazos

1 River Conservation and Reclamation District to issue
2 negotiable revenue bonds for certain purposes.
3 Section 5-c was added to Chapter 3, Acts of the 43rd
4 Legislature, 4th Called Session, 1934, by Section 3,
5 Chapter 194, Acts of the 53rd Legislature, Regular
6 Session, 1953. Section 5-c authorized the Brazos River
7 Authority to issue negotiable revenue bonds for
8 certain purposes, payable from and secured by a pledge
9 of its revenue to the extent and in the manner provided
10 by the board of directors of that authority. Section 6
11 of Chapter 194 provided that all laws and parts of laws
12 in conflict with that act were repealed to the extent
13 of the conflict. Chapter 996, Acts of the 78th
14 Legislature, Regular Session, 2003, repealed Chapter
15 3, Chapter 368, and certain other laws relating to the
16 Brazos River Authority and enacted Chapter 221, Water
17 Code, to govern that authority. Chapter 221, Water
18 Code, was renumbered as Chapter 8502, Special District
19 Local Laws Code, in 2007. The power of the Brazos
20 River Authority to issue revenue bonds is now governed
21 by Chapter 8502, Special District Local Laws Code, and
22 the general law pertaining to the authority.
23 Accordingly, the revised law omits the reference in
24 Section 2(r) of Chapter 126 to the former Brazos River
25 Conservation and Reclamation District.

26 (2) Section 2(r), Chapter 126, General Laws,
27 Acts of the 44th Legislature, Regular Session, 1935,
28 authorizes the authority to issue "negotiable" revenue
29 bonds. The revised law omits the reference to
30 "negotiable" revenue bonds for the reason stated in
31 Revisor's Note (1) to Section 8506.201.

32 (3) Section 10, Chapter 126, General Laws, Acts
33 of the 44th Legislature, Regular Session, 1935,
34 permits the authority to issue bonds "from time to

1 time." The revised law omits the quoted language for
2 the reason stated in Revisor's Note (1) to Section
3 8506.108.

4 (4) Section 10, Chapter 126, General Laws, Acts
5 of the 44th Legislature, Regular Session, 1935,
6 permits the authority to issue bonds "as herein
7 authorized." The revised law omits the quoted
8 language for the reason stated in Revisor's Note (2) to
9 Section 8506.201.

10 (5) Section 10, Chapter 126, General Laws, Acts
11 of the 44th Legislature, Regular Session, 1935,
12 authorizes the authority to issue bonds not to exceed
13 \$6 million in aggregate principal amount and provides
14 that any additional amount of bonds must be authorized
15 by an act of the legislature. The revised law omits
16 the provision requiring that any additional amount of
17 bonds be authorized by an act of the legislature
18 because the revised law limits the aggregate principal
19 amount of the bonds the authority may issue to \$6
20 million and any act of the legislature authorizing the
21 authority to issue an additional amount of bonds would
22 apply to the issuance of authority bonds without an
23 express reference to that act in this section. The
24 omitted law reads:

25 Sec. 10. . . . Any additional amount
26 of bonds must be authorized by an Act of the
27 Legislature. . . .

28 (6) Section 10, Chapter 126, General Laws, Acts
29 of the 44th Legislature, Regular Session, 1935,
30 requires that bonds issued by the authority be
31 authorized by a resolution of the board "concurred in
32 by at least five (5) of the members thereof." The
33 revised law omits the quoted language because it
34 duplicates, in substance, Section 3(b) of Chapter 126,
35 codified in pertinent part as Section 8506.055(b)(2),

1 which provides that bonds, notes, or other evidences
2 of indebtedness must be authorized or ratified by the
3 affirmative vote of at least five directors.

4 Revised Law

5 Sec. 8506.205. TERMS OF ISSUANCE. Authority bonds may be:

6 (1) sold for cash;

7 (2) issued on terms the board determines in exchange
8 for property of any kind, or any interest in property, that the
9 board considers necessary or convenient for the corporate purpose
10 for which the bonds are issued; or

11 (3) issued in exchange for like principal amounts of
12 other obligations of the authority, whether matured or unmatured.

13 (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 10 (part).)

14 Source Law

15 Sec. 10. . . . Such bonds may either be (1) sold
16 for cash, at public or private sale, at such price or
17 prices as the Board shall determine, . . . or (2) may
18 be issued on such terms as the Board shall determine in
19 exchange for property of any kind, real, personal or
20 mixed or any interest therein which the Board shall
21 determine in exchange for property of any kind, real,
22 personal or mixed or any interest therein which the
23 Board shall deem necessary or convenient for any such
24 corporate purpose, or (3) may be issued in exchange for
25 like principal amounts of other obligations of the
26 District, matured or unmatured. . . .

27 Revisor's Note

28 (1) Section 10, Chapter 126, General Laws, Acts
29 of the 44th Legislature, Regular Session, 1935,
30 provides that authority bonds may be sold "at public or
31 private sale." The revised law omits the quoted
32 language because it duplicates Section
33 1201.022(a)(3)(A), Government Code.

34 (2) Section 10, Chapter 126, General Laws, Acts
35 of the 44th Legislature, Regular Session, 1935,
36 provides that authority bonds may be sold "at such
37 price or prices as the Board shall determine." The
38 revised law omits the quoted language because it is
39 superseded by general law. Section 1201.022,

1 Government Code, as amended in 2001, provides that an
2 issuer may sell public securities "under the terms
3 determined by the governing body of the issuer to be in
4 the issuer's best interests."

5 (3) Section 10, Chapter 126, General Laws, Acts
6 of the 44th Legislature, Regular Session, 1935,
7 provides that the board may issue bonds "on such terms
8 as the Board shall determine in exchange for property
9 of any kind, real, personal or mixed or any interest
10 therein which the Board shall determine in exchange
11 for property of any kind, real, personal or mixed or
12 any interest therein." The revised law substitutes
13 "on terms the board determines in exchange for
14 property of any kind, or any interest in property,"
15 because it is clear from the context that the
16 repetition of the phrase "which the Board shall
17 determine in exchange for property of any kind, real,
18 personal or mixed or any interest therein" is a
19 typographical error and that the legislature intended
20 to allow the board to determine the terms of an
21 exchange of bonds for any kind of property or an
22 interest in property.

23 Revised Law

24 Sec. 8506.206. DEPOSIT OF PROCEEDS. The proceeds of sale of
25 authority bonds shall be deposited in one or more banks or trust
26 companies, and shall be paid out according to the terms, on which
27 the authority and the purchasers of the bonds agree. (Acts 44th
28 Leg., R.S., G.L., Ch. 126, Sec. 10 (part).)

29 Source Law

30 Sec. 10. . . . The proceeds of sale of such
31 bonds shall be deposited in such bank or banks or trust
32 company or trust companies, and shall be paid out
33 pursuant to such terms and conditions, as may be agreed
34 upon between the District and the purchasers of such
35 bonds. . . .

1 Revisor's Note

2 Section 10, Chapter 126, General Laws, Acts of
3 the 44th Legislature, Regular Session, 1935, refers to
4 the "terms and conditions" under which proceeds of the
5 sale of authority bonds shall be paid out. The revised
6 law omits "conditions" because the meaning of the term
7 is included in the meaning of "terms."

8 Revised Law

9 Sec. 8506.207. RESOLUTION PROVISIONS. (a) A resolution
10 authorizing bonds may contain provisions approved by the board that
11 are not inconsistent with this chapter, including provisions:

12 (1) reserving the right to redeem the bonds at the time
13 or times, in the amounts, and at the prices, not exceeding 105
14 percent of the principal amount of the bonds, plus accrued
15 interest, as may be provided;

16 (2) providing for the setting aside of sinking funds
17 or reserve funds and the regulation and disposition of those funds;

18 (3) pledging, to secure the payment of the principal
19 of and interest on the bonds and of the sinking fund or reserve fund
20 payments agreed to be made with respect to the bonds:

21 (A) all or any part of the gross or net revenue
22 subsequently received by the authority with respect to the property
23 to be acquired or constructed with the bonds or the proceeds of the
24 bonds; or

25 (B) all or any part of the gross or net revenue
26 subsequently received by the authority from any source;

27 (4) prescribing the purposes to which the bonds or any
28 bonds subsequently to be issued, or the proceeds of the bonds, may
29 be applied;

30 (5) agreeing to set and collect rates and charges
31 sufficient to produce revenue adequate to pay the items specified
32 by Section 8506.154(b) and prescribing the use and disposition of
33 all revenue;

34 (6) prescribing limitations on the issuance of

1 additional bonds and on the agreements that may be made with the
2 purchasers and successive holders of those bonds;

3 (7) regarding the construction, extension,
4 improvement, reconstruction, operation, maintenance, and repair of
5 the properties of the authority and the carrying of insurance on all
6 or any part of those properties covering loss or damage or loss of
7 use and occupancy resulting from specified risks;

8 (8) setting the procedure, if any, by which, if the
9 authority so desires, the terms of a contract with the bondholders
10 may be amended or abrogated, the amount of bonds the holders of
11 which must consent to that amendment or abrogation, and the manner
12 in which the consent may be given; and

13 (9) providing for the execution and delivery by the
14 authority to a bank or trust company authorized by law to accept
15 trusts, or to the United States or any officer of the United States,
16 of indentures and agreements for the benefit of the bondholders
17 setting forth any or all of the agreements authorized by this
18 chapter to be made with or for the benefit of the bondholders and
19 any other provisions that are customary in such indentures or
20 agreements.

21 (b) A provision authorized by this section that is contained
22 in a bond resolution is part of the contract between the authority
23 and the bondholders. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 10
24 (part).)

25 Source Law

26 Sec. 10. . . . Any resolution or resolutions
27 authorizing any bonds may contain provisions, which
28 shall be part of the contract between the District and
29 the holders thereof from time to time (a) reserving the
30 right to redeem such bonds at such time or times, in
31 such amounts and at such prices, not exceeding one
32 hundred and five (105) per centum of the principal
33 amount thereof, plus accrued interest, as may be
34 provided, (b) providing for the setting aside of
35 sinking funds or reserve funds and the regulation and
36 disposition thereof, (c) pledging to secure the
37 payment of the principal of and interest on such bonds
38 and of the sinking fund or reserve fund payments agreed
39 to be made in respect of such bonds all or any part of
40 the gross or net revenues thereafter received by the
41 District in respect of the property, real, personal or
42 mixed, to be acquired and/or constructed with such

1 bonds or the proceeds thereof, or all or any part of
2 the gross or net revenues thereafter received by the
3 District from whatever source derived, (d) prescribing
4 the purposes to which such bonds or any bonds
5 thereafter to be issued, or the proceeds thereof, may
6 be applied, (e) agreeing to fix and collect rates and
7 charges sufficient to produce revenues adequate to pay
8 the items specified in subdivisions (a), (b), (c), and
9 (d), of Section 8 hereof, and prescribing the use and
10 disposition of all revenues, (f) prescribing
11 limitations upon the issuance of additional bonds and
12 upon the agreements which may be made with the
13 purchasers and successive holders thereof, (g) with
14 regard to the construction, extension, improvement,
15 reconstruction, operation, maintenance and repair of
16 the properties of the District and carrying of
17 insurance upon all or any part of said properties
18 covering loss or damage or loss of use and occupancy
19 resulting from specified risks, (h) fixing the
20 procedure, if any, by which, if the District shall so
21 desire, the terms of any contract with the holders of
22 such bonds may be amended or abrogated, the amount of
23 bonds the holders of which must consent thereto, and
24 the manner in which such consent may be given, (i) for
25 the execution and delivery by the District to a bank or
26 trust company authorized by law to accept trusts, or to
27 the United States of America or any officer or agency
28 thereof, of indentures and agreements for the benefit
29 of the holders of such bonds setting forth any or all
30 of the agreements herein authorized to be made with or
31 for the benefit of the holders of such bonds and such
32 other provisions as may be customary in such
33 indentures or agreements, and (j) such other
34 provisions, not inconsistent with the provisions of
35 this Act, as the Board may approve.

36 . . .

37 Revisor's Note

38 (1) Section 10, Chapter 126, General Laws, Acts
39 of the 44th Legislature, Regular Session, 1935,
40 provides that provisions of the resolution authorizing
41 bonds are "part of the contract between the District
42 and the holders thereof from time to time." The
43 revised law omits "from time to time" because, to the
44 extent the phrase modifies "the contract [made]," the
45 power to make a contract includes the power to do so at
46 any time, and to the extent the phrase modifies "the
47 holders [of authority bonds]," "bondholder" includes
48 anyone holding a bond at any time the statute is read.

49 (2) Section 10, Chapter 126, General Laws, Acts
50 of the 44th Legislature, Regular Session, 1935, refers
51 to the "United States of America or any . . . agency
52 thereof." The revised law omits the reference to an

1 agency of the United States because under Section
2 311.005(9), Government Code (Code Construction Act),
3 "United States" includes an agency of the United
4 States.

5 Revised Law

6 Sec. 8506.208. DEFAULT PROCEDURES. (a) This section
7 applies only to a default in:

8 (1) the payment of the interest on bonds as the
9 interest becomes due and payable;

10 (2) the payment of the principal of bonds as they
11 become due and payable, whether at maturity, by call for
12 redemption, or otherwise; or

13 (3) the performance of an agreement made with the
14 purchasers or successive holders of bonds.

15 (b) A resolution authorizing bonds and any indenture or
16 agreement entered into under the resolution may provide that in the
17 event of a default described by Subsection (a) that continues for a
18 period, if any, prescribed by the resolution, the trustee under the
19 indenture entered into with respect to the bonds authorized by the
20 resolution, or, if there is no indenture, a trustee appointed in the
21 manner provided in the resolution by the holders of 25 percent in
22 aggregate principal amount of the bonds authorized by the
23 resolution and then outstanding may, and on the written request of
24 the holders of 25 percent in aggregate principal amount of the bonds
25 authorized by the resolution then outstanding, shall, in the
26 trustee's own name, but for the equal and proportionate benefit of
27 the holders of all of the bonds, and with or without having
28 possession of the bonds:

29 (1) by mandamus or other suit, action, or proceeding
30 at law or in equity, enforce all rights of the bondholders;

31 (2) bring suit on the bonds or the appurtenant
32 coupons;

33 (3) by action or suit in equity, require the authority
34 to account as if it were the trustee of an express trust for the

1 bondholders;

2 (4) by action or suit in equity, enjoin any acts or
3 things that may be unlawful or in violation of the rights of the
4 bondholders; or

5 (5) after such notice to the authority as the
6 resolution may provide, declare the principal of all of the bonds
7 due and payable, and if all defaults have been made good, then with
8 the written consent of the holders of 25 percent in aggregate
9 principal amount of the bonds then outstanding, annul the
10 declaration and its consequences.

11 (c) Notwithstanding Subsection (b), the holders of more
12 than a majority in principal amount of the bonds authorized by the
13 resolution and then outstanding, by written instrument delivered to
14 the trustee, are entitled to direct and control any and all action
15 taken or to be taken by the trustee under this section.

16 (d) A resolution, indenture, or agreement relating to bonds
17 may provide that in a suit, action, or proceeding under this
18 section, the trustee, whether or not all of the bonds have been
19 declared due and payable and with or without possession of any of
20 the bonds, is entitled to the appointment of a receiver who may:

21 (1) enter and take possession of all or any part of the
22 properties of the authority;

23 (2) operate and maintain the properties;

24 (3) set, collect, and receive rates and charges
25 sufficient to provide revenue adequate to pay the items specified
26 by Section 8506.154(b) and the costs and disbursements of the suit,
27 action, or proceeding; and

28 (4) apply the revenue in conformity with this chapter
29 and the resolution authorizing the bonds.

30 (e) In a suit, action, or proceeding by a trustee under this
31 section, the reasonable fees, attorney's fees, and expenses of the
32 trustee and of the receiver, if any, constitute taxable
33 disbursements, and all costs and disbursements allowed by the court
34 are a first charge on any revenue pledged to secure the payment of

1 the bonds.

2 (f) The courts of the county in which the authority is
3 domiciled have jurisdiction of a suit, action, or proceeding by a
4 trustee on behalf of the bondholders and of all property involved in
5 the suit, action, or proceeding.

6 (g) In addition to the powers specifically provided by this
7 section, a trustee has all powers necessary or appropriate for the
8 exercise of the powers specifically provided or incident to the
9 general representation of the bondholders in the enforcement of
10 their rights. (Acts 44th Leg., R.S., G.L., Ch. 126, Sec. 10
11 (part).)

12 Source Law

13 Sec. 10. . . .

14 Any such resolution and any indenture or
15 agreement entered into pursuant thereto may provide
16 that in the event that

17 (a) default shall be made in the payment of the
18 interest on any or all bonds when and as the same shall
19 become due and payable, or

20 (b) default shall be made in the payment of the
21 principal of any or all bonds when and as the same
22 shall become due and payable, whether at the maturity
23 thereof, by call for redemption or otherwise, or

24 (c) default shall be made in the performance of
25 any agreement made with the purchasers or successive
26 holders of any bonds.

27 And such default shall have continued such
28 period, if any, as may be prescribed by said resolution
29 in respect thereof, the trustee under the indenture or
30 indentures entered into in respect of the bonds
31 authorized thereby, or, if there shall be no such
32 indenture, a trustee appointed in the manner provided
33 in such resolution or resolutions by the holders of
34 twenty-five (25) per centum in aggregate principal
35 amount of the bonds authorized thereby and at the time
36 outstanding may, and upon the written request of the
37 holders of twenty-five (25) per centum in aggregate
38 principal amount of the bonds authorized by such
39 resolution or resolutions at the time outstanding,
40 shall, in his or its own name, but for the equal and
41 proportionate benefit of the holders of all of such
42 bonds; and with or without having possession thereof;

43 (1) by mandamus or other suit, action or
44 proceeding at law or in equity, enforce all rights of
45 the holders of such bonds,

46 (2) bring suit upon such bonds and/or the
47 appurtenant coupons,

48 (3) by action or suit in equity, require the
49 District to account as if it were the trustee or an
50 express trust for the bond-holders,

51 (4) by action or suit in equity, enjoin any acts
52 or things which may be unlawful or in violation of the
53 rights of the holders of such bonds, and/or

54 (5) after such notice to the District as such
55 resolution may provide, declare the principal of all

1 of such bonds due and payable, and if all defaults
2 shall have been made good, then with the written
3 consent of the holders of twenty-five (25) per centum
4 in aggregate principal amount of such bonds at the time
5 outstanding, annul such declaration and its
6 consequences; provided however, that the holders of
7 more than a majority in principal amount of the bonds
8 authorized thereby and at the time outstanding shall
9 by instrument or instruments in writing delivered to
10 such trustee have the right to direct and control any
11 and all action taken or to be taken by such trustee
12 under this paragraph. Any such resolution, indenture
13 or agreement may provide that in any such suit, action
14 or proceeding, any such trustee, whether or not all of
15 such bonds shall have been declared due and payable,
16 and with or without possession of any thereof, shall be
17 entitled as of right to the appointment of a receiver
18 who may enter and take possession of all or any part of
19 the properties of the District and operate and
20 maintain the same, and fix, collect and receive rates
21 and charges sufficient to provide revenues adequate to
22 pay the items set forth in subparagraphs (a), (b), (c),
23 and (d), of Section 8 hereof and the costs and
24 disbursements of such suit, action or proceeding and
25 to apply such revenues in conformity with the
26 provisions of this Act and the resolution or
27 resolutions authorizing such bonds. In any suit,
28 action or proceeding by any such trustee, the
29 reasonable fees, counsel fees and expenses of such
30 trustee and of the receiver or receivers, if any, shall
31 constitute taxable disbursements and all costs and
32 disbursements allowed by the Court shall be a first
33 charge upon any revenues pledged to secure the payment
34 of such bonds. Subject to the provisions of the
35 Constitution of the State of Texas, the Courts of the
36 county of the domicile of the District shall have
37 jurisdiction of any such suit, action or proceeding by
38 any such trustee on behalf of the bondholders and of
39 all property involved therein. In addition to the
40 powers hereinabove specifically provided for, each
41 such trustee shall have and possess all powers
42 necessary or appropriate for the exercise therefor, or
43 incident to the general representation of the
44 bondholders in the enforcement of their rights.

45 . . .

46 Revisor's Note

47 (1) Section 10, Chapter 126, General Laws, Acts
48 of the 44th Legislature, Regular Session, 1935,
49 provides that a trustee in certain circumstances may
50 or shall require the authority to account as if it were
51 the trustee "or" an express trust for the bondholders.
52 The revised law substitutes "of" for "or" because it is
53 clear from the context that "or" is a typographical
54 error and that the legislature intended to authorize
55 or require a trustee to require the authority to
56 account as if it were the trustee "of" an express trust

1 for the bondholders.

2 (2) Section 10, Chapter 126, General Laws, Acts
3 of the 44th Legislature, Regular Session, 1935,
4 provides that a resolution, indenture, or agreement
5 may provide that in a suit, action, or proceeding, a
6 trustee "shall be entitled as of right" to the
7 appointment of a receiver. The revised law
8 substitutes "is entitled to" for the quoted language
9 because under Section 311.016(4), Government Code
10 (Code Construction Act), "is entitled to" creates or
11 recognizes a right.

12 (3) Section 10, Chapter 126, General Laws, Acts
13 of the 44th Legislature, Regular Session, 1935, refers
14 to "counsel fees" incurred in a suit, action, or
15 proceeding by a trustee. The revised law substitutes
16 "attorney's fees" for "counsel fees" because, in this
17 context, the meaning is the same and "attorney's fees"
18 is the more commonly used term.

19 (4) Section 10, Chapter 126, General Laws, Acts
20 of the 44th Legislature, Regular Session, 1935,
21 provides that "[s]ubject to the provisions of the
22 Constitution of the State of Texas," the courts of the
23 county in which the authority is domiciled have
24 jurisdiction of a suit, action, or proceeding by a
25 trustee. The revised law omits the reference to the
26 Texas Constitution because the state cannot modify
27 constitutional requirements by statute.

28 (5) Section 10, Chapter 126, General Laws, Acts
29 of the 44th Legislature, Regular Session, 1935,
30 provides that in addition to the powers specifically
31 provided for, each trustee "shall have and possess"
32 all powers necessary or appropriate for the exercise
33 of the powers specifically provided or incident to the
34 general representation of the bondholders in the

1 enforcement of their rights. The revised law
2 substitutes "has" for "shall have and possess"
3 because, in context, the terms have the same meanings
4 and "has" is more concise.

5 Revised Law

6 Sec. 8506.209. POWER OF AUTHORITY TO PURCHASE BONDS ISSUED
7 BY AUTHORITY. (a) Using any money available for the purpose, the
8 authority may purchase bonds issued by it at a price not exceeding
9 the redemption price applicable at the time of purchase, or, if the
10 bonds are not redeemable, at a price not exceeding the principal
11 amount of the bonds plus accrued interest.

12 (b) All bonds purchased under this section shall be
13 canceled, and bonds may not be issued in lieu of those bonds. (Acts
14 44th Leg., R.S., G.L., Ch. 126, Sec. 13.)

15 Source Law

16 Sec. 13. The District shall have power out of
17 any funds available therefor to purchase any bonds
18 issued by it at a price not exceeding the redemption
19 price applicable at the time of such purchase, or if
20 such bonds shall not be redeemable, at a price not
21 exceeding the principal amount thereof plus accrued
22 interest. All bonds so purchased shall be cancelled
23 and no bonds shall ever be issued in lieu thereof.

24 Revisor's Note

25 Section 13, Chapter 126, General Laws, Acts of
26 the 44th Legislature, Regular Session, 1935, refers to
27 "funds" available to the authority. The revised law
28 substitutes "money" for "funds" because, in the
29 context of funds available to the authority, the
30 meaning is the same and "money" is the more commonly
31 used term.

32 Revised Law

33 Sec. 8506.210. BONDS EXEMPT FROM TAXATION. A bond issued
34 under this chapter and the interest on the bond is exempt from
35 taxation, except inheritance taxes, by this state or by any
36 political subdivision of this state. (Acts 44th Leg., R.S., G.L.,
37 Ch. 126, Sec. 16.)

1 The omitted law reads:

2 Sec. 10. . . . [Such bonds may either
3 be (1) sold for cash, . . . at such price or
4 prices as the Board shall determine,
5 provided that the interest cost of the money
6 received therefor, computed to maturity in
7 accordance with standard bond tables in
8 general use by banks and insurance
9 companies, shall not exceed six (6) per
10 centum per annum, . . . [All such bonds
11 . . . shall . . . bear interest at such rate
12 or rates] (not exceeding six (6) per centum
13 per annum) . . . [as such resolution or
14 resolutions may provide.] . . .

15 (2) Section 10, Chapter 126, General Laws, Acts
16 of the 44th Legislature, Regular Session, 1935,
17 provides that a resolution authorizing the issuance of
18 bonds by the authority may specify the date or dates of
19 the bonds and the date of maturity of the bonds. The
20 revised law omits the provision because it duplicates,
21 in substance, provisions of Sections 1201.021,
22 1201.022, and 1201.024, Government Code, which provide
23 for the characteristics, terms of issuance, and form
24 of a public security. The omitted law reads:

25 Sec. 10. . . . [All such bonds] . . .
26 shall bear such date or dates, mature at
27 such time or times, . . . as such resolution
28 or resolutions may provide. . . .

29 (3) Section 10, Chapter 126, General Laws, Acts
30 of the 44th Legislature, Regular Session, 1935,
31 provides that authority bonds may bear interest at the
32 rate or rates provided by the bond resolution. The
33 revised law omits that provision because it duplicates
34 Section 1201.021(2), Government Code. The omitted law
35 reads:

36 Sec. 10. . . . [All such bonds . . .
37 shall] . . . bear interest at such rate or
38 rates . . . [as such resolution or
39 resolutions may provide.] . . .

40 (4) Section 10, Chapter 126, General Laws, Acts
41 of the 44th Legislature, Regular Session, 1935,
42 provides that interest on authority bonds may be
43 payable annually or semiannually as provided by the

1 bond resolution. The revised law omits the provision
2 because it is superseded by Section 1201.021,
3 Government Code (enacted as Section 3, Bond Procedures
4 Act of 1981 (Article 717k-6, Vernon's Texas Civil
5 Statutes)), which provides in part that a public
6 security may be payable at the times and in the amounts
7 specified by the governing body of the issuer. The
8 omitted law reads:

9 Sec. 10. . . . [All such bonds . . .
10 shall . . . bear interest at such rate or
11 rates] . . . payable annually or
12 semi-annually, . . . [as such resolution or
13 resolutions may provide.] . . .

14 (5) Section 10, Chapter 126, General Laws, Acts
15 of the 44th Legislature, Regular Session, 1935,
16 provides that authority bonds may be in the
17 denominations provided by the bond resolution. The
18 revised law omits that provision because it duplicates
19 Section 1201.021(1), Government Code. The omitted law
20 reads:

21 Sec. 10. . . . [All such bonds . . .
22 shall] . . . be in such denominations,
23 . . . [as such resolution or resolutions
24 may provide.] . . .

25 (6) Section 10, Chapter 126, General Laws, Acts
26 of the 44th Legislature, Regular Session, 1935,
27 provides that a resolution authorizing the issuance of
28 bonds by the authority may specify the form of the
29 bonds. The revised law omits the provision because it
30 duplicates or is superseded by Sections 1201.021 and
31 1201.024, Government Code, which provide for the form
32 and characteristics of a public security. The omitted
33 law reads:

34 Sec. 10. . . . [All such bonds . . .
35 shall] . . . be in such form, either coupon
36 or registered, . . . [as such resolution or
37 resolutions may provide.] . . .

38 (7) Section 10, Chapter 126, General Laws, Acts
39 of the 44th Legislature, Regular Session, 1935,

1 provides that authority bonds may carry registration
2 privileges as to principal only or as to both principal
3 and interest and as to exchange for bonds of another
4 form or denomination. The revised law omits that
5 provision because it duplicates, in substance, Section
6 1201.022(a)(4), Government Code, and part of Section
7 1201.024, Government Code. Section 1201.022(a)(4),
8 Government Code, provides that a public security may
9 be issued with specified characteristics, on specified
10 terms, or in a specified manner; that general law is
11 sufficient authority for authority bonds to be
12 exchangeable for bonds of another denomination.
13 Section 1201.024, Government Code, provides that a
14 public security may be registrable as to principal and
15 interest or only as to principal and that an issuer may
16 provide that coupon bonds are exchangeable for
17 registered bonds and vice versa. The omitted law
18 reads:

19 Sec. 10. . . . [All such bonds . . .
20 shall] . . . carry such registration
21 privileges as to principal only or as to
22 both principal and interest, and as to
23 exchange of coupon bonds for registered
24 bonds or vice versa, and exchange of bonds
25 of one denomination for bonds of other
26 denominations, . . . [as such resolution or
27 resolutions may provide.] . . .

28 (8) Section 10, Chapter 126, General Laws, Acts
29 of the 44th Legislature, Regular Session, 1935,
30 provides that a resolution that authorizes the
31 issuance of authority bonds may specify the manner of
32 execution of the bonds issued. The revised law omits
33 that provision because it duplicates, in substance,
34 Section 1201.026, Government Code, which provides for
35 the execution of a public security. The omitted law
36 reads:

37 Sec. 10. . . . [All such bonds . . .
38 shall] . . . be executed in such manner and
39 . . . [as such resolution or resolutions

1 may provide.] . . .

2 (9) Section 10, Chapter 126, General Laws, Acts
3 of the 44th Legislature, Regular Session, 1935,
4 provides that authority bonds may be payable at the
5 place or places inside or outside the state provided by
6 the bond resolution. The revised law omits that
7 provision because Section 1201.021(5)(C), Government
8 Code, provides that a public security may be payable at
9 a specified place or places. The omitted law reads:

10 Sec. 10. . . . [All such bonds . . .
11 shall] . . . be payable at such place or
12 places within or without the State of Texas,
13 [as such resolution or resolutions may
14 provide.] . . .

15 (10) Section 10, Chapter 126, General Laws, Acts
16 of the 44th Legislature, Regular Session, 1935,
17 provides that before bonds may be sold by the
18 authority, a certified copy of the proceedings for the
19 issuance of the bonds and other information must be
20 submitted to the attorney general; provides that if
21 the attorney general finds that the bonds have been
22 issued in accordance with law and approves the bonds,
23 the attorney general shall execute a certificate to
24 that effect; requires that the certificate be filed
25 and recorded in the office of the comptroller;
26 prohibits the issuance of bonds until they have been
27 registered by the comptroller; and requires the
28 comptroller to register the bonds if the attorney
29 general files with the comptroller the attorney
30 general's certificate approving the bonds and the
31 proceedings for the issuance of the bonds. The revised
32 law omits those provisions as duplicative of or
33 superseded by Chapter 1202, Government Code, enacted
34 as Article 3, Chapter 53, Acts of the 70th Legislature,
35 2nd Called Session, 1987 (Article 717k-8, Vernon's
36 Texas Civil Statutes). Section 1202.003(a),

1 Government Code, requires bonds to be submitted to the
2 attorney general. Section 1202.003(b), Government
3 Code, provides for approval of the bonds by the
4 attorney general and requires the attorney general to
5 submit the approved bonds to the comptroller for
6 registration. Section 1202.005, Government Code,
7 requires registration of the bonds by the comptroller.
8 The omitted law reads:

9 Sec. 10. . . .

10 Before any bonds shall be sold by the
11 District, a certified copy of the
12 proceedings for the issuance thereof,
13 including the form of such bonds, together
14 with any other information which the
15 Attorney General of the State of Texas may
16 require, shall be submitted to the Attorney
17 General, and if he shall find that such
18 bonds have been issued in accordance with
19 law, and if he shall approve such bonds, he
20 shall execute a certificate to that effect
21 which shall be filed in the office of the
22 Comptroller of the State of Texas and be
23 recorded in a record kept for that purpose.
24 No bonds shall be issued until the same
25 shall have been registered by the
26 Comptroller, who shall so register the same
27 if the Attorney General shall have filed
28 with the Comptroller his certificate
29 approving the bonds and the proceedings for
30 the issuance thereof as herein above
31 provided.

32 . . .

33 (11) Section 10, Chapter 126, General Laws, Acts
34 of the 44th Legislature, Regular Session, 1935,
35 provides that after approval and registration,
36 authority bonds are incontestable and binding
37 obligations. The revised law omits that provision as
38 duplicative of or impliedly repealed by Section
39 1202.006, Government Code, enacted as Section
40 3.002(d), Chapter 53, Acts of the 70th Legislature,
41 2nd Called Session, 1987 (Article 717k-8, Vernon's
42 Texas Civil Statutes). Section 1202.006, Government
43 Code, provides that after approval and registration,
44 bonds are incontestable and binding obligations. The
45 omitted law reads:

1 Sec. 10. . . .
2 All bonds approved by the Attorney
3 General as aforesaid, and registered by the
4 Comptroller as aforesaid, and issued in
5 accordance with the proceedings so approved
6 shall be valid and binding obligations of
7 the District and shall be incontestable for
8 any cause from and after the time of such
9 registration.

10 (12) Section 11, Chapter 126, General Laws, Acts
11 of the 44th Legislature, Regular Session, 1935,
12 provides that authority bonds are negotiable
13 instruments within the meaning of the Negotiable
14 Instruments Law of the State of Texas. The revised law
15 omits that provision because the Uniform Negotiable
16 Instruments Act (Articles 5932-5948, Revised
17 Statutes) was repealed in 1965 when the Uniform
18 Commercial Code was adopted (see now Title 1, Business
19 & Commerce Code) and because the provision duplicates,
20 in substance, Section 1201.041, Government Code, which
21 provides that a public security is a negotiable
22 instrument. The omitted law reads:

23 Sec. 11. All bonds issued by the
24 District pursuant to the provisions of this
25 Act shall constitute negotiable instruments
26 within the meaning of the Negotiable
27 Instruments Law of the State of Texas.

28 Revisor's Note
29 (End of Chapter)

30 (1) Sections 17, 17A, 17B, and 18, Chapter 126,
31 General Laws, Acts of the 44th Legislature, Regular
32 Session, 1935, allocated certain state tax revenue to
33 the authority for a 20-year period beginning on
34 September 1, 1944, subject to certain conditions,
35 described the purposes for which the authority was
36 permitted to use the revenue, and described the manner
37 in which the revenue was to be paid over to the
38 authority. The revised law omits the provisions as
39 executed. The omitted law reads:

40 Sec. 17. For a period of twenty (20)
41 years, and commencing with the fiscal year
42 beginning September 1, 1944, there is

1 hereby donated and granted by the State of
2 Texas to the Upper Colorado River Authority
3 herein created, all of the net amounts of
4 the annual current State ad valorem taxes
5 that may be collected from the property and
6 from persons in Coke and Tom Green Counties,
7 Texas, which otherwise would go into the
8 General Revenue Fund of the State of Texas,
9 including the rolling stock belonging to
10 railroad companies, which shall be
11 ascertained and apportioned as now provided
12 by law.

13 Provided, however, that the amounts
14 hereby granted shall never exceed in any one
15 county the sum that would be produced for
16 any current year by the levy of the then
17 current State ad valorem taxes for general
18 revenue purposes on the valuation of said
19 county as shown by the Comptroller's records
20 for the year 1947, and all sums collected in
21 excess of such amount shall continue to go
22 into the General Revenue Fund of this State.

23 Sec. 17A. None of the taxes hereby
24 donated and granted to the said Upper
25 Colorado River Authority, except as set
26 forth in Section 5 below, shall be made
27 available to said Authority unless and
28 until said Authority shall have first
29 received from the United States of America a
30 grant, loan or advancement of at least Two
31 Million Dollars (\$2,000,000) or unless and
32 until the United States of America has
33 appropriated at least the sum of Two Million
34 Dollars (\$2,000,000) for the use of the
35 Upper Colorado River Authority or for the
36 construction of flood control or
37 conservation improvements on the Colorado
38 River or some tributary thereof in Coke or
39 Tom Green County; and the Upper Colorado
40 River Authority is authorized to cooperate
41 with the United States of America and its
42 agencies in the construction of any such
43 improvements, including the power to
44 participate in or contribute to the cost of
45 such improvements out of the funds herein
46 donated to the Upper Colorado River
47 Authority; and said funds may also be used
48 to repay the principal and interest due the
49 United States of America by reason of any
50 loan or advancement obtained in accordance
51 with the provisions of this Act, as well as
52 for other authorized purposes of the Upper
53 Colorado River Authority. Provided,
54 however, that in the event no grant, loan or
55 advancement in the sum of at least Two
56 Million Dollars (\$2,000,000) has been
57 received by said Authority, or an
58 appropriation in at least that amount has
59 not been made by the United States of
60 America to said Authority or for the
61 construction of flood control or
62 conservation improvements on the Colorado
63 River or some tributary thereof in one or
64 both of said counties by January 1, 1948,
65 then this grant or donation shall be null
66 and void, except for the sum mentioned in
67 Section 5 below, and such moneys shall be
68 placed in the General Revenue Fund by the

1 State Treasurer. It is expressly provided,
2 however, that the fact that any provision of
3 this Section may not have been complied
4 with, within the time or in the manner
5 herein required, shall not at any time
6 invalidate Subsection R, Section 2, but
7 said subdivision shall remain in full force
8 and effect notwithstanding.

9 Sec. 17B. An opinion from the
10 Attorney General of Texas advising that
11 such a grant, loan or advancement has been
12 made by the United States of America to said
13 Authority or that such an appropriation for
14 the use of said Authority or for the
15 construction of flood control or
16 conservation improvements on the Colorado
17 River or some tributary thereof within said
18 counties has been made by the United States
19 of America shall be authority for the action
20 of any person charged with any duty
21 contingent thereon.

22 Sec. 18. It shall be the duty of the
23 Comptroller of Public Accounts to certify
24 to the State Treasurer along with each
25 remittance of State ad valorem taxes
26 collected for the general revenue purposes
27 within any of the counties aforementioned the
28 amounts thereof which under the terms of
29 this Act are granted to the Upper Colorado
30 River Authority; and it shall be the duty of
31 the State Treasurer to allocate and set
32 aside all such sums and hold same separate
33 and distinct from all other moneys for the
34 use and benefit of said Upper Colorado River
35 Authority for the purpose of carrying out
36 the powers, duties and functions conferred
37 upon said Authority by the Legislature of
38 the State of Texas. Upon an opinion from
39 the Attorney General of Texas as provided in
40 Section 17B hereof as amended, the State
41 Treasurer shall pay over on warrant of the
42 Comptroller, to the Treasurer of the Upper
43 Colorado River Authority, taking his
44 receipt therefor, all moneys allocated and
45 set aside by said State Treasurer for the
46 use and benefit of the said Upper Colorado
47 River Authority, theretofore certified to
48 him by the State Comptroller of Public
49 Accounts as in this Section provided, and in
50 such event said sum so certified is hereby
51 appropriated to the Upper Colorado River
52 Authority. Except as hereinafter provided,
53 the State Treasurer shall, in like manner,
54 pay over to the Treasurer of the Upper
55 Colorado River Authority each month
56 following the initial payment, the amounts
57 certified to him by the State Comptroller of
58 Public Accounts as being due the said
59 Authority out of the State ad valorem taxes
60 collected for general revenue purposes
61 within Coke and Tom Green Counties, Texas.
62 Provided however, that beginning on
63 September 1st of the year following the
64 initial payment by the State Treasurer to
65 the Treasurer of the Upper Colorado River
66 Authority as hereinbefore provided, the
67 Assessor and Collector of Taxes of the
68 Counties of Coke and Tom Green shall, at the

1 end of each month, on forms to be furnished
2 by the Comptroller of Public Accounts, make
3 an itemized report, under oath to said
4 Comptroller, showing State ad valorem taxes
5 collected by him for General Revenue
6 purposes, as provided for in this Act, upon
7 property and from persons within the
8 Counties of Coke and Tom Green, and
9 accompany the same with a summarized
10 statement showing full disposition of all
11 such State taxes collected. The said
12 Assessor-Collector of Taxes shall forward
13 his reports to the Comptroller, and shall
14 pay over to the Treasurer of [the Upper
15 Colorado River Authority, a State agency,]
16 all moneys collected by him, during said
17 month, under the provisions of this Act, as
18 amended, except such amounts as are allowed
19 by law for assessing and collecting the
20 same, and shall forward a duplicate copy of
21 the receipt given him by the Treasurer of
22 the Upper Colorado River Authority, for
23 such moneys to the Comptroller.

24 Provided, further, that the Treasurer
25 of the Upper Colorado River Authority
26 shall, at the end of each month, make an
27 itemized report, under oath, to the
28 Comptroller of Public Accounts, showing the
29 amount of money received by him from the
30 Assessor-Collector of Taxes for the
31 Counties of Coke and Tom Green.

32 (2) Section 21, Chapter 126, General Laws, Acts
33 of the 44th Legislature, Regular Session, 1935,
34 appropriated money to the authority and required that
35 the authority repay any appropriated money withdrawn
36 by the authority. The revised law omits the provision
37 appropriating money to the authority as executed. The
38 revised law omits the provision requiring the
39 authority to repay any appropriated money withdrawn by
40 the authority because the authority has confirmed that
41 any money withdrawn has been repaid. The omitted law
42 reads:

43 Sec. 21. There is hereby
44 appropriated for the use of the District out
45 of any funds in the State Treasury not
46 heretofore otherwise appropriated the sum
47 of Five Thousand Dollars (\$5,000) which may
48 be withdrawn from time to time on warrants
49 signed by the General Manager and Treasurer
50 of the District, amounts withdrawn to be
51 repaid into the State Treasury out of the
52 first revenues of the District from
53 whatever source derived.

54 (3) Section 22, Chapter 126, General Laws, Acts

1 of the 44th Legislature, Regular Session, 1935,
2 provides that the act is severable. The revised law
3 omits that provision because the same result is
4 produced by the application of Section 311.032(c),
5 Government Code (Code Construction Act), which
6 provides that a provision of a statute is severable
7 from each other provision of the statute that can be
8 given effect. The omitted law reads:

9 Sec. 22. If any provision of this Act
10 or the application thereof to any person or
11 circumstance shall be held to be invalid,
12 the remainder of the Act, and the
13 application of such provision to other
14 persons or circumstances, shall not be
15 affected thereby.

16 (4) Section 23, Chapter 126, General Laws, Acts
17 of the 44th Legislature, Regular Session, 1935,
18 provides a short title for that chapter. The revised
19 law omits the short title because Chapter 126 is not a
20 statute of wide application that is frequently
21 referred to by its short title, and the heading to this
22 chapter is sufficient to describe the revised law to
23 the reader. The omitted law reads:

24 Sec. 23. This Act may be cited as the
25 Upper Colorado River Authority Act.

26 (5) Section 5, Chapter 119, Acts of the 50th
27 Legislature, Regular Session, 1947, appropriated
28 money to the authority out of the money allocated to
29 the authority under Section 17, Chapter 126, General
30 Laws, Acts of the 44th Legislature, Regular Session,
31 1935, to be used by the authority for general
32 administrative purposes pending availability to the
33 authority of all of the money allocated. The revised
34 law omits the provision as executed. The omitted law
35 reads:

36 Sec. 5. Out of the funds mentioned in
37 Section 17 above there is hereby
38 appropriated the sum of Five Thousand
39 Dollars (\$5,000) which may be used by said

1 Authority for general administrative
2 purposes pending availability to the
3 Authority of all the funds herein donated,
4 and which may be withdrawn from time to time
5 hereafter on warrants signed by the
6 President and Treasurer of the Board of
7 Directors of said Authority.